

000693

CITY OF SAN DIEGO
OFFICE OF THE CITY CLERK

336
1/15

RECEIVED
CITY CLERK'S OFFICE

07 OCT 32 PM 2:29

SAN DIEGO, CALIF.

RECOMMENDATIONS

COMMUNITY PLANNING GROUP /STAFF'S /PLANNING COMMISSION

Project Manager **must** complete the following information for the Council docket:

CASE NO. Project No. 84312, 835 Thomas Avenue Tentative Map

STAFF'S

Please indicate recommendation for each action. (ie: Resolution / Ordinance)

DENY APPEAL and APPROVE Resolution for Coastal Development Permit No. 269513; and

DENY APPEAL and APPROVE Resolution for Tentative Map No. 266188 and the request to waive the requirement to underground existing overhead utilities.

PLANNING COMMISSION (List names of Commissioners voting yea or nay) (Garcia – not present)

YEAS: 5 – Schultz, Ontai, Otsuji, Nasland, & Smiley

NAYS: 1 - Griswold

ABSTAINING:

TO: (List recommendation or action)

APPROVED Coastal Development Permit No. 269513; and

APPROVED Tentative Map No. 266188 and the request to waive the requirement to underground existing overhead utilities.

COMMUNITY PLANNING GROUP (choose one)

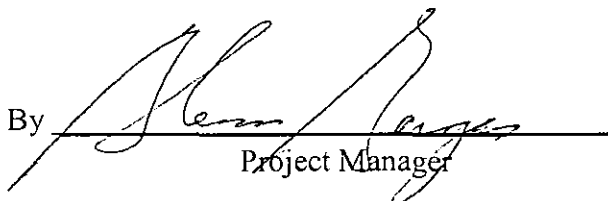
LIST NAME OF GROUP: Pacific Beach Community Planning Committee

- ☐ No officially recognized community planning group for this area.
- ☐ Community Planning Group has been notified of this project and has not submitted a recommendation.
- ☐ Community Planning Group has been notified of this project and has not taken a position.
- ☒ Community Planning Group has recommended approval of this project.
- ☐ Community Planning Group has recommended denial of this project.
- ☐ This is a matter of City-wide effect. The following community group(s) have taken a position on the item:

In favor: 13

Opposed: 2

By


Project Manager

000695



THE CITY OF SAN DIEGO

RECEIVED
CITY CLERK'S OFFICE

07 OCT 32 PM 2:29

SAN DIEGO, CALIF.

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: August 23, 2007 **REPORT NO.** PC-07-095

ATTENTION: Planning Commission, Agenda of August 30, 2007

SUBJECT: 835 THOMAS AVENUE TENTATIVE MAP - PROJECT NO. 84312.
PROCESS 4

**OWNER/
APPLICANT:** Mr. William G. Clarke Family Trust

SUMMARY

Issue(s): Should the Planning Commission approve a Coastal Development Permit and Tentative Map to convert eleven existing apartment units into residential condominiums located at 835 Thomas Avenue, with a request to waive the requirement to underground existing overhead utilities?

Staff Recommendation:

1. APPROVE Coastal Development Permit No. 269513; and
2. APPROVE Tentative Map No. 266188 and the request to waive the requirement to underground existing overhead utilities.

Community Planning Group Recommendation: On April 26, 2006, the Pacific Beach Community Planning Committee voted 13-2-0 to recommend approval of the proposed project. That recommendation also included a condition to reconfigure the 11th parking space for better access for emergency vehicles and to add a trash enclosure to the site.

Environmental Review: The project is exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19, 15301 (k), as "Existing Facilities". This project is not pending an appeal of the environmental determination. The exemption determination for this project was made on October 20, 2005; and the opportunity to appeal that determination ended on November 3, 2005. Briggs Law Firm filed an appeal to the determination on October 24, 2005. The appeal was denied by City Council on July 31, 2006.



Fiscal Impact Statement: All costs associated with processing of this application are paid for by the applicant.

Code Enforcement Impact: None.

Housing Impact Statement: The proposed project is the conversion of eleven existing apartment units into condominiums. There would be a loss of eleven rental units and a gain of eleven for-sale units. This Tentative Map project is required to comply with the inclusionary housing requirements and tenant relocation assistance program, which are conditions of the proposed Tentative Map (Attachment 8).

BACKGROUND

The 6,250 square foot site is located at 835 Thomas Avenue in the RM-1-1 Zone, Coastal Overlay Zone (non-appealable), Coastal Height Overlay Zone and Beach Parking Impact Overlay Zone. The development is located on two parcels and designated Multi-Family Residential by, and located within, the Pacific Beach Community Plan area (Attachment 2). The surrounding area is developed with a mix of commercial, multi-family and some intermittent single family development. The proposed subdivision constitutes, by definition, Coastal Development, which pursuant to the Land Development Code (Section 126.0702) requires a Coastal Development Permit. A Tentative Map is required, by the Land Development Code (Section 125.0410), for the proposed division of the property into eleven residential condominium dwelling units.

The existing development is a two-story, eleven dwelling unit apartment building that was constructed in 1960. At the time the property was developed the approved construction met all the current regulations. The apartment building includes eight, studio units, two, one-bedroom units, and one, two-bedroom unit, ranging in size from approximately 370 square feet to 700 square feet each. The original development provided eleven parking spaces, located off the side alley.

No Building or Zoning Code violations are recorded against the property. The project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code. If this property were vacant today, under the current RM-1-1 Zone development regulations, up to two residential dwelling units could be developed.

DISCUSSION

Project Description:

The project proposes to convert the existing residential complex, made up of eleven residential apartments, into eleven residential condominium dwelling units. Utilities are located above ground in the right-of-way of the alley at the rear of the property, south of Thomas Avenue and east of Mission Boulevard. The apartment building was constructed in 1960 and consists of a two-story, concrete stucco and gravel roof. The project has a total of eleven off-street parking

spaces, located off the side alley. During the project's review, City Staff determined that the existing structure was in conformance with the development codes in effect at the time of construction. The applicant also addressed concerns raised by the Pacific Beach Community Planning Committee by reconfiguring the 11th parking space and intends to include a trash enclosure on the site.

Undergrounding Waiver Request:

The project site is located in Block 2X3 of the City's Undergrounding Master Plan and is scheduled for undergrounding to start on May 31, 2045 (Attachment 13). San Diego Municipal Code Section 144.0240, allows the subdivider to apply for a waiver of the requirement to underground the existing overhead utilities within the boundary of the subdivision, or within the abutting public rights-of-way. City staff has determined the undergrounding waiver request qualifies under the Guidelines of Council Policy 600-25, *Undergrounding Conversion of Utility Lines at the Developers Expense*, in that it involves a short span of under 600-feet, would not represent a logical extension to an undergrounding facility and is a condominium conversion application. The applicant would be required to underground any new service run to any new or proposed structures within the subdivision and all onsite utilities serving the subdivision will be undergrounded as a condition of the Tentative Map (Attachment 8). If the requested waiver of undergrounding is not approved, the applicant would have to add one additional power pole, at the south west corner of the property along the rear alley.

Project-Related Issues:

All condominium conversion projects deemed complete on or after February 7, 2004, must conform to the regulations regarding Inclusionary Housing, Coastal Affordable Housing and Tenant Relocation Benefits adopted by the City Council on March 15, 2004. Conditions Nos. 11, and 12 of the draft Tentative Map Resolution (Attachment 8) require compliance with this ordinance. In order to meet this requirement the applicant has elected to pay the in-lieu fee for Coastal Affordable Housing, which is calculated to be \$142,300.00.

Conclusion:

A Coastal Development Permit, Tentative Map and Waiver of Undergrounding for a Condominium Conversion are a Process Four, Planning Commission decision pursuant to San Diego Municipal Code Sections 126.045 and 125.0430. A Tentative Map for Condominium Conversion may be approved if the decision maker finds that the proposed division of land complies with the requirements of the Subdivision Map Act and the San Diego Municipal Code. Staff has reviewed the proposed condominium conversion and found it to be in conformance with the applicable sections of the San Diego Municipal Code regulating Tentative Maps and land use policies. Staff has determined that the required findings can be made as the project meets the applicable San Diego Municipal Code regulations and requirements. Staff recommends approval of the project as proposed.

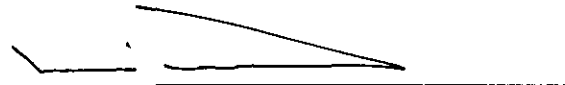
The project site is located within the Coastal Overlay Zone and is not subject to new condominium conversion regulations adopted by the City Council on June 13, 2006, and certified

by the California Coastal Commission on June 14, 2007, due to the fact that this project was delayed by the Brigg's Environmental Determination Appeal.

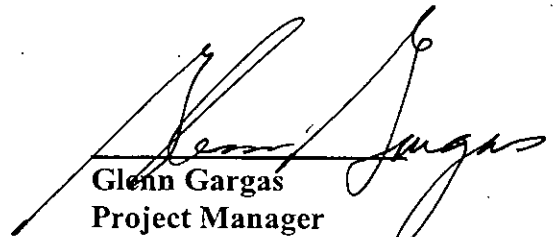
ALTERNATIVES

1. Approve Coastal Development Permit No. 269513 and Tentative Map with Waiver of Undergrounding No. 266188, with modifications.
2. Deny Coastal Development Permit No. 269513 and Tentative Map with Waiver of Undergrounding No. 266188, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



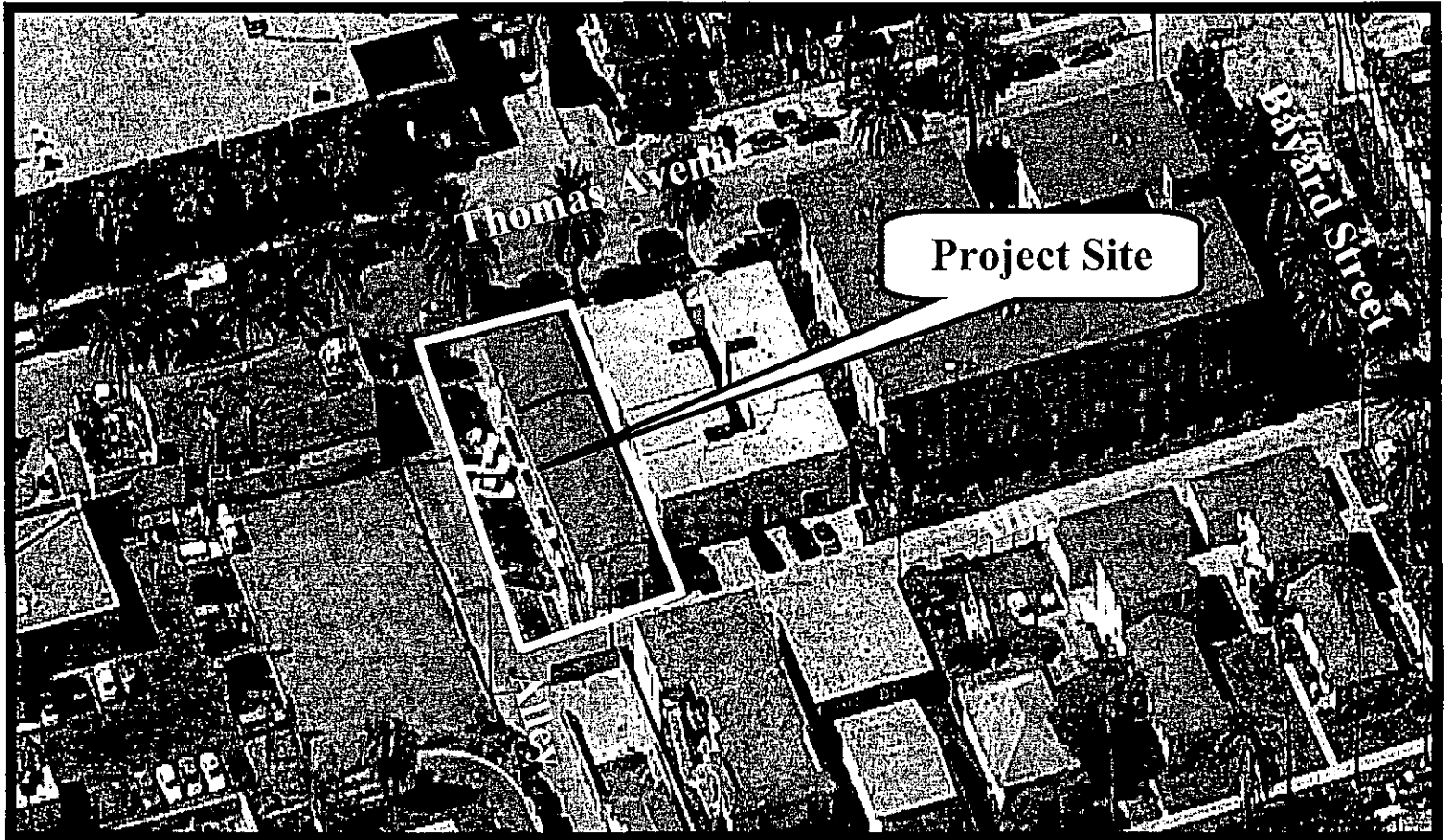
**Mike Westlake
Program Manager
Development Services Department**



**Glenn Gargas
Project Manager
Development Services Department**

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Project Site Plan/Tentative Map
6. Draft CDP Permit
7. Draft CDP Resolution
8. Draft Tentative Map Conditions and Subdivision Resolution
9. Community Planning Group Recommendation
10. Ownership Disclosure Statement
11. Project Chronology
12. Housing Commission Letter - Coastal Affordable Housing Compliance
13. Proposed Undergrounding of Overhead Utilities
14. Photos of Existing Front and Rear Elevations

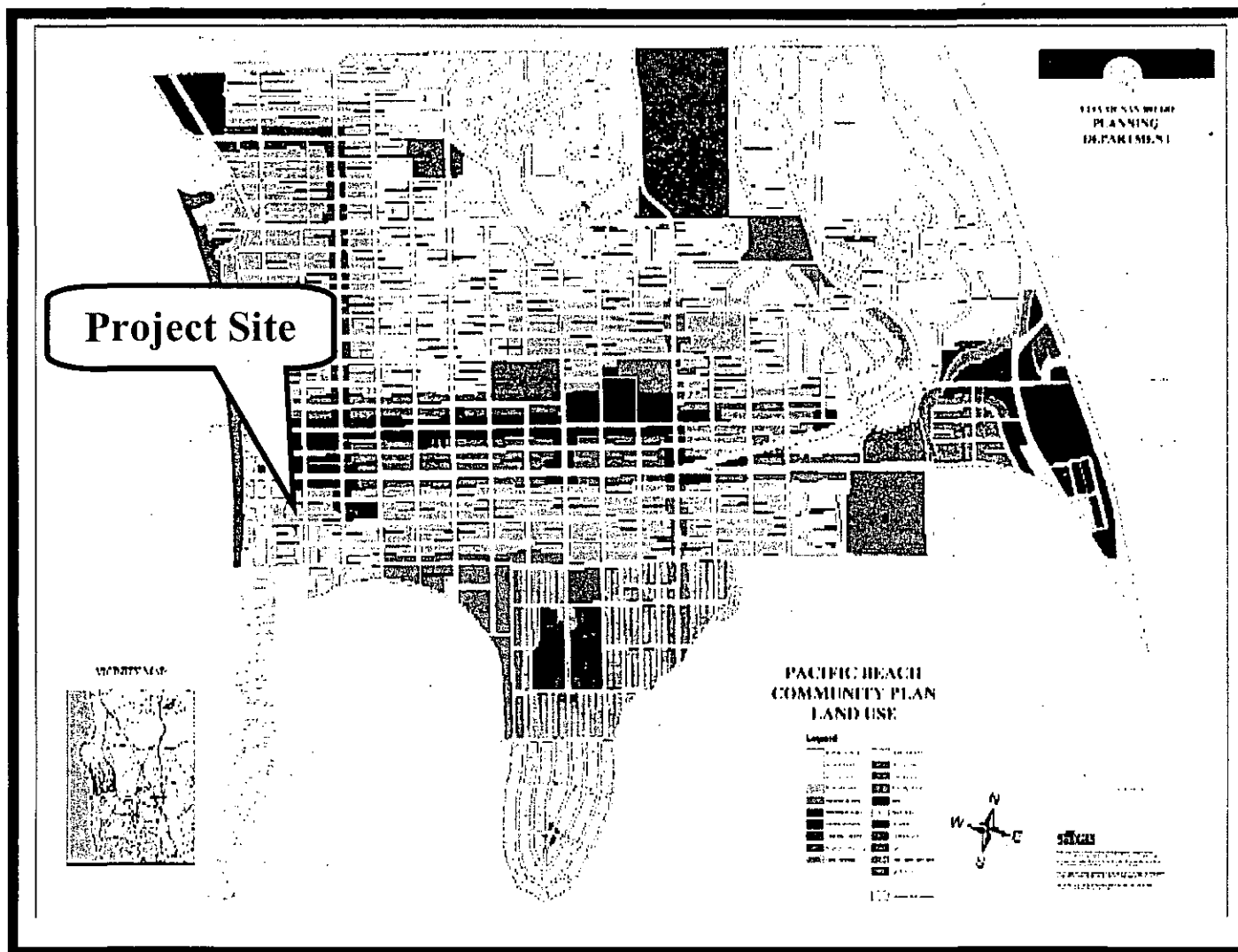


Aerial Photo

835 THOMAS AVENUE TENTATIVE MAP -835 THOMAS AVENUE

PROJECT NO. 84312

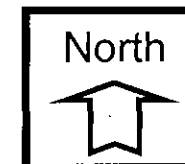


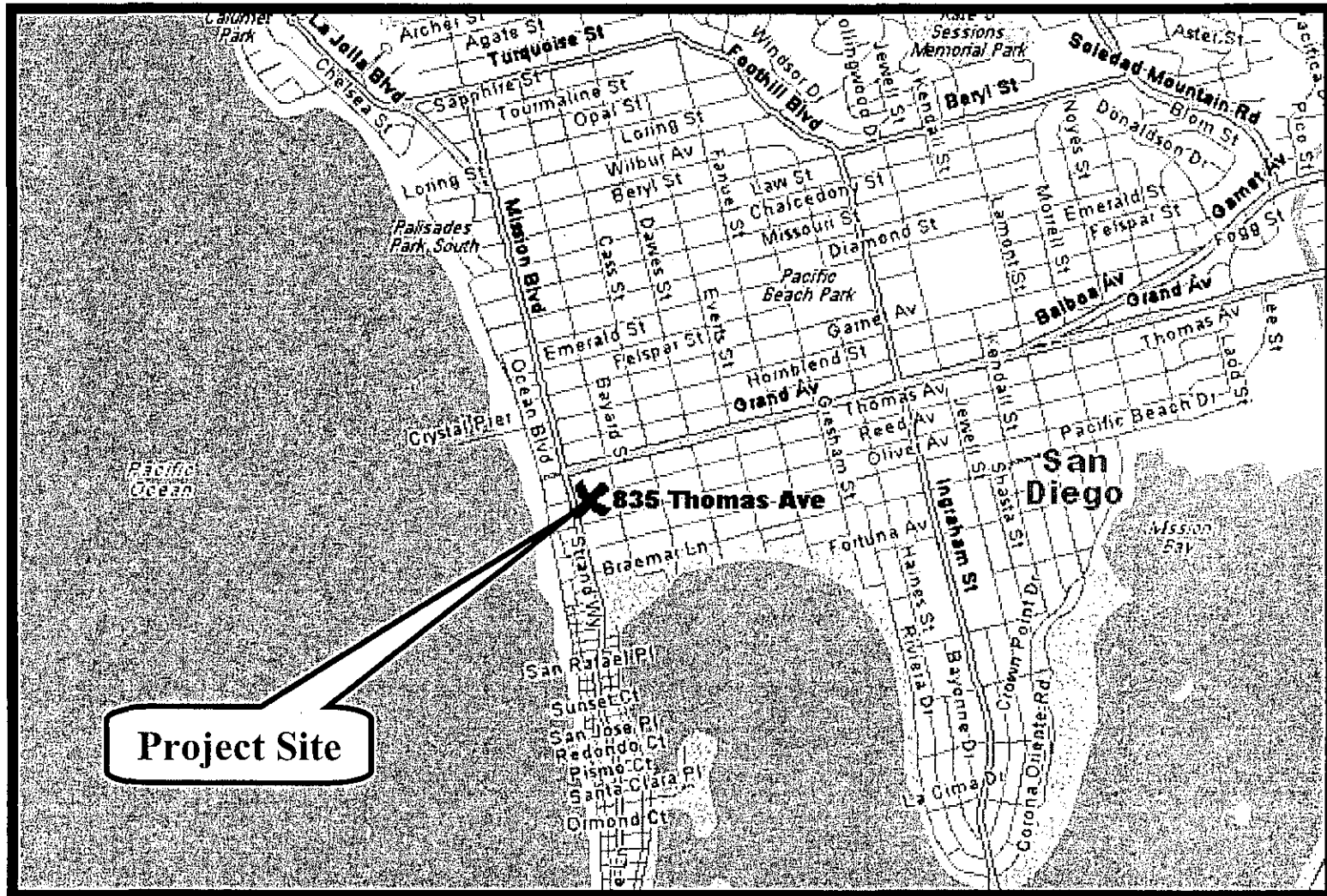


Land Use Map

835 THOMAS AVENUE TENTATIVE MAP – 835 THOMAS AVENUE

PROJECT NO. 84312





Project Location Map

835 THOMAS AVENUE TENTATIVE MAP – 835 THOMAS AVENUE
PROJECT NO. 84312



PROJECT DATA SHEET

FOR CONDOMINIUM CONVERSIONS

PROJECT NAME:	835 Thomas Avenue Tentative Map			
PROJECT DESCRIPTION:	Conversion of eleven residential units to condominium ownership and a waiver to underground existing utilities.			
COMMUNITY PLAN AREA:	Pacific Beach Plan Area.			
DISCRETIONARY ACTIONS:	Coastal Development Permit, Tentative Map and utility underground waiver			
COMMUNITY PLAN LAND USE DESIGNATION:	Multi-Family Residential			
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; vertical-align: top;"> <u>CURRENT ZONING INFORMATION:</u> ZONE: RM-1-1: multi-family residential zone DENSITY: one dwelling unit per 3,000 sq. ft. of lot area. HEIGHT LIMIT: 30-Foot maximum height limit. LOT SIZE: 6,000 square-foot minimum lot size. FLOOR AREA RATIO: 0.75 maximum. FRONT SETBACK: 15/20 feet. SIDE SETBACK: 5/8 feet. STREETSIDE SETBACK: 10 feet. REAR SETBACK: 15 feet. PARKING: 18 spaces required </td> <td style="width: 50%; vertical-align: top;"> <u>CONSTRUCTED:</u> R-4 One unit per 400 sq. ft. of lot area 30 6,250 Square Feet 0.73 14.9-Feet 5/18.9-Feet NA 1.7-Feet 11 spaces </td> </tr> </table>			<u>CURRENT ZONING INFORMATION:</u> ZONE: RM-1-1: multi-family residential zone DENSITY: one dwelling unit per 3,000 sq. ft. of lot area. HEIGHT LIMIT: 30-Foot maximum height limit. LOT SIZE: 6,000 square-foot minimum lot size. FLOOR AREA RATIO: 0.75 maximum. FRONT SETBACK: 15/20 feet. SIDE SETBACK: 5/8 feet. STREETSIDE SETBACK: 10 feet. REAR SETBACK: 15 feet. PARKING: 18 spaces required	<u>CONSTRUCTED:</u> R-4 One unit per 400 sq. ft. of lot area 30 6,250 Square Feet 0.73 14.9-Feet 5/18.9-Feet NA 1.7-Feet 11 spaces
<u>CURRENT ZONING INFORMATION:</u> ZONE: RM-1-1: multi-family residential zone DENSITY: one dwelling unit per 3,000 sq. ft. of lot area. HEIGHT LIMIT: 30-Foot maximum height limit. LOT SIZE: 6,000 square-foot minimum lot size. FLOOR AREA RATIO: 0.75 maximum. FRONT SETBACK: 15/20 feet. SIDE SETBACK: 5/8 feet. STREETSIDE SETBACK: 10 feet. REAR SETBACK: 15 feet. PARKING: 18 spaces required	<u>CONSTRUCTED:</u> R-4 One unit per 400 sq. ft. of lot area 30 6,250 Square Feet 0.73 14.9-Feet 5/18.9-Feet NA 1.7-Feet 11 spaces			
<u>ADJACENT PROPERTIES:</u>	LAND USE DESIGNATION & ZONE	EXISTING LAND USE		
NORTH:	Commercial; CV-1-2.	Commercial		
SOUTH:	Multi-Family Residential; RM-1-1.	Multi-Family Residential		
EAST:	Multi-Family Residential; RM-1-1.	Multi-Family Residential		
WEST:	Commercial; CV-1-2.	Commercial		
DEVIATIONS OR VARIANCES REQUESTED:	None			
COMMUNITY PLANNING GROUP RECOMMENDATION:	On April 26, 2006, the Pacific Beach Community Planning Committee voted to approve the request for the Tentative Map. The motion passed 13-2-0.			

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES
PERMIT INTAKE, MAIL STATION 501

WHEN RECORDED MAIL TO
PERMIT INTAKE
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 42-5278

COASTAL DEVELOPMENT PERMIT NO. 269513
835 THOMAS AVENUE TENTATIVE MAP – PROJECT NO. 84312
PLANNING COMMISSION

This Coastal Development Permit No. 269513 is granted by the Planning Commission of the City of San Diego to William G. Clarke and Joanne E. Clarke, Co-Trustees of Clarke Trust, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0702. The 0.25 acre site is located at 835 Thomas Avenue, in the RM-1-1 Zone, Coastal Overlay Zone (non-appealable), Coastal Height Limit Overlay Zone, within the Pacific Beach Community Planning Area. The project site is legally described as Lots 11 and 12, Block 262, Pacific Beach, Map Nos. 697, 854 and 932.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner /Permittee to divide an existing 11 unit apartment complex to be converted into 11 residential condominium units described and identified by size, dimension, quantity, type, and location on the approved exhibits, dated August 30, 2007, on file in the Development Services Department.

The project or facility shall include:

- a. Division of an existing two-story, 11 unit apartment complex, into 11 residential condominium units on a 6,250 square-foot property;
- b. Existing Landscaping;
- c. Existing Off-street parking facilities, eleven parking spaces;
- d. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

STANDARD REQUIREMENTS:

1. Conversion of the existing units to condominium ownership must commence and be pursued in a diligent manner within thirty-six months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within thirty-six months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder
3. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the City Manager.
4. This Permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
5. The utilization and continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. This Permit shall become effective with recordation of the corresponding final parcel map for the project site.
8. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable,

or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

ENGINEERING REQUIREMENTS:

9. The Coastal Development Permit shall comply with all conditions of the associated Tentative Map No. 266188 to the satisfaction of the City Engineer.

AFFORDABLE HOUSING REQUIREMENTS:

10. The Housing Commission carried out a tenant income survey pursuant to the City's Coastal Overlay Zone Affordable Housing Replacement Regulations (Municipal Code Sections 143.0810 through 143.0860). The Owner/Permittee is required to pay an in-lieu fee of \$142,300.00 to the Housing Commission or provide two replacement studio units for low-income households, one replacement studio unit for moderate-income households and two, one-bedroom unit for low-income households.

The applicant shall enter into a Coastal Affordable Housing Compliance Agreement with the Housing Commission prior to the approval of Final Map.

11. Prior to the recordation of the Final Map, the Owner/Permittee shall demonstrate conformance with the Municipal Code provisions for Tenant Relocation Benefits (Chapter 14, Article 4, Division 5), to the satisfaction of the City Manager and the Housing Commission.

PLANNING/DESIGN REQUIREMENTS:

12. No fewer than eleven (11) off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A," on file in the Development Services Department. Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the City Manager.

13. Any future requested amendment to this Permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.

INFORMATION ONLY:

Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code section 66020.

APPROVED by the Planning Commission of the City of San Diego on August 30, 2007, by
Resolution No. _____-PC.

PLANNING COMMISSION
RESOLUTION NO. – _____-PC
COASTAL DEVELOPMENT PERMIT NO. 269513
835 THOMAS AVENUE TENTATIVE MAP – PROJECT NO. 84312

WHEREAS, William G. Clarke and Joanne E. Clarke, Co-Trustees of Clarke Trust, Owner/Permittee, filed an application with the City of San Diego to divide an existing two-story, apartment complex with eleven dwelling unit apartments into eleven residential condominium units (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 269513, on portions of a 0.143-acre property;

WHEREAS, the project site is located at 835 Thomas Avenue, in the RM-1-1 Zone, Coastal Overlay Zone (non-appealable), Coastal Height Limitation Overlay Zone, and within the Pacific Beach Community Planning Area;

WHEREAS, the project site is legally described as Lots 11 and 12, Block 262, Pacific Beach, Map Nos. 697, 854 and 932.

WHEREAS, on August 30, 2007, the Planning Commission of the City of San Diego considered Coastal Development Permit No. 269513, pursuant to the Land Development Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego as follows:

That the Planning Commission adopts the following written Findings, dated August 30, 2007.

FINDINGS:

Coastal Development Permit - Section 126.0708

- 1. The proposed coastal development will not encroach upon any existing physical access way that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan; and**

The 0.143-acre project site is currently developed with an existing apartment complex which includes eleven residential apartment units. The development proposes to divide the existing eleven dwelling units into residential condominiums and is located approximately three blocks from the coastline. The proposed development is existing and is contained within the existing legal lot area, which will not encroach upon any existing or proposed physical access to the coast. The project site is not located on or adjacent to an identified visual access corridor as identified within the Pacific Beach Local Coastal Program. The project site is situated along Thomas Avenue, within a developed multi

family residential neighborhood. The proposed division into condominiums met the development setbacks and height limit required at the time it was built and the proposed structure will not block any identified visual corridor.

2. The proposed coastal development will not adversely affect environmentally sensitive lands; and

The 0.143-acre project site is currently developed with a eleven dwelling unit apartment complex and does not contain environmentally sensitive lands. The environmental review, determined that the project would not have a significant environmental effect on environmentally sensitive lands and was found to be exempt from environmental review under CEQA Guidelines. The project does not propose any grading on any portion of the property and does not propose any encroachment into Environmentally Sensitive Lands.

3. The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program; and

The proposed division of the existing apartment complex with eleven dwelling units into condominium units is located on a site which has a Multi-Family Residential land use designation. During environmental review, it was determined that the project was exempt under the CEQA Guidelines. The project design was also determined to be in compliance with all of the applicable development regulations at the time it was constructed. Due to these factors the proposed condominium conversion was found to be in compliance with the City of San Diego adopted Pacific Beach Community Plan and the Progress Guide and General Plan and the certified Local Coastal Program Land Use Plan.

4. For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

The 0.143-acre site, currently developed with an existing apartment complex that includes eleven dwelling units, is located within a well developed multi family residential neighborhood. The project site is not located between the first public road and the sea or coastline. Development of the project will be fully within the private property. The project site is approximately three blocks away from the Pacific Ocean. There is no identified public access and public recreation area on or adjacent to the project site and these stated resources will not be impaired by the development of this site. The proposed condominium conversion project is designed to take access off the existing public alley, with all eleven existing off street parking spaces off the alley. The existing character and pedestrian design of the street will remain unaltered.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Coastal Development Permit No. 269513, is hereby GRANTED by the Planning

Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 269513, a copy of which is attached hereto and made a part hereof.

Glenn R. Gargas
Development Project Manager
Development Services

Adopted on: August 30, 2007

Job Order No. 42-5278

cc: Legislative Recorder, Planning Department

PLANNING COMMISSION RESOLUTION NO. ____ -PC
TENTATIVE MAP NO. 266188
835 THOMAS AVENUE TENTATIVE MAP - PROJECT NO. 84312

WHEREAS, WILLIAM G. CLARKE FAMILY TRUST, Applicant/Subdivider, and SAN DIEGO LAND SURVEYING AND ENGINEERING, INC., Engineer, submitted an application with the City of San Diego for a Tentative Map, No. 266188, for the conversion of an existing, two-story, eleven (11) residential dwelling unit apartment complex into condominiums and to waive the requirement to underground existing overhead utilities. The project site is located at 835 Thomas Avenue, on the south side of Thomas Avenue and east of Mission Boulevard, and is legally described as Lots 11 and 12, Block 262, Pacific Beach, Map Nos. 697, 854 and 932, in the RM-1-1 Zone, Coastal Overlay Zone (non-appealable), Coastal Height Limit Overlay Zone, Beach Parking Impact Overlay Zone and within the Pacific Beach Community Plan Area; and

WHEREAS, the Map proposes the subdivision of a 0.143 acre site into one (1) lot for a eleven (11) unit residential condominium conversion; and

WHEREAS, the project is exempt from environmental review pursuant to Article 19, Section 15301(k) of the California Environmental Quality Act (CEQA) on the basis that the facilities are existing; and

WHEREAS, a preliminary soils and geological reconnaissance report are waived by the City Engineering pursuant to the Subdivision Map Act and Section 144.0220 of the Municipal Code of the City of San Diego; and

WHEREAS, the subdivision is a condominium project as defined in Section 1350 et seq. of the Civil Code of the State of California and is filed pursuant to the Subdivision Map Act. The total number of condominium units is eleven (11) residential dwelling units; and

WHEREAS, on August 30, 2007, the PLANNING COMMISSION of the City of San Diego considered Tentative Map No. 266188, including the waiver of the requirement to underground existing overhead utilities, and pursuant to Sections 125.0440, 125.0444, and 144.0240 of the Municipal Code of the City of San Diego and Subdivision Map Act Section 66428, received for its consideration written and oral presentations, evidence having been submitted, and heard testimony from all interested parties at the public hearing, and the PLANNING COMMISSION having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED by the PLANNING COMMISSION of the City of San Diego, that it adopts the following findings with respect to Tentative Map No. 266188:

1. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code (Land Development Code Section 125.0440.b).

2. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources (Land Development Code Section 125.0440.h and State Map Act Section 66412.3).
3. Each of the tenants of the proposed condominium project has received, pursuant to State Map Act Section 66452.9, written notification of intention to convert at least 60 days prior to the filing of a tentative map (Land Development Code 125.0444 and State Map Act Section 66427.1(a)).
4. The project has been conditioned that the Subdivider will give each tenant and each person applying for the rental of a unit in such residential real property, all applicable notices and rights now or hereafter required by the State Map Act (Land Development Code Section 125.0444 and State Map Act Section 66427.1(a)).
5. The project has been conditioned that the Subdivider will give each tenant 10 days' written notification that an application for a public report will be, or has been, submitted to the Department of Real Estate, and that such report will be available on request (Land Development Code Section 125.0444 and State Map Act Section 66427.1(a)).
6. The project has been conditioned that the Subdivider will give each tenant of the proposed condominium project written notification within 10 days of approval of a final map for the proposed conversion (Land Development Code Section 125.0444 and State Map Act Section 66427.1(b)). If the subdivider chooses to provide affordable housing units, the subdivider shall enter into an affordable housing agreement with the Housing Commission, prior to recordation of the Final Map.
7. The project has been conditioned that the Subdivider will give each of the tenants of the proposed condominium project 180 days' written notice of intention to convert prior to termination of tenancy due to the conversion or proposed conversion (Land Development Code Section 125.0444 and State Map Act Section 66427.1(c)).
8. The project has been conditioned that the Subdivider will give each of the tenants of the proposed condominium project notice of an exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant. The right shall run for a period of not less than 90 days from the date of issuance of the subdivision public report pursuant to Section 11018.2 of the Business and Professions Code, unless the tenant gives prior written notice of his

or her intention not to exercise the right (Land Development Code Section 125.0444 and State Map Act Section 66427.1(d)).

9. The project was not financed by funds obtained from a governmental agency to provide for elderly, disabled, or low income housing (Land Development Code Section 125.0444.b).
10. For any project that was developed to provide housing for the elderly, disabled or to provide low income housing, provisions have been made to perpetuate the use for which the project was developed (Land Development Code Section 125.0444.c).
11. Each of the tenants of the proposed condominium project has received written notification of the project application for the condominium conversion at least 10 days after the application was deemed complete (Land Development Code 125.0431(a)(3)).
12. The project has been conditioned that the subdivider will give each person applying for the rental of a unit in such residential real property written notification that the project application for the condominium conversion was deemed complete (Land Development Code 125.0431(a)(3)).
13. The project has been conditioned that the subdivider will give each tenant a notice of termination of tenancy 60 days prior to being required to vacate the property. (Land Development Code Section 125.0431(a)(4)).
14. The project has been conditioned that the subdivider will provide a relocation assistance payment to all tenants of the project whose tenancy has terminated due to the condominium conversion. (Land Development Code Section 144.0505).
15. The project has been conditioned for the subdivider to satisfy the inclusionary housing requirements in accordance with Land Development Code Section 142.1306. (Land Development Code Section 144.0508).
16. The requested underground waiver of the existing overhead facilities, qualifies under the guidelines of Council Policy No. 600-25 *Underground Conversion of Utility Lines at Developers Expense* in that:
 - A. The conversion involves a short span of overhead facility (less than 600 feet in length).
 - B. The conversion is a requirement of a condominium conversion of an existing development and the conversion would not represent a logical extension to an underground facility.

17. That said Findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED that, based on the Findings hereinbefore adopted by the PLANNING COMMISSION, Tentative Map No. 266188, including the waiver of the requirement to underground existing overhead utilities, is hereby granted to William G. Clarke, Applicant/Subdivider, subject to the following conditions:

GENERAL

1. This Tentative Map will expire August 30, 2010.
2. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
3. Prior to the Tentative Map expiration date, a Final Map to consolidate the existing lots into one lot shall be recorded in the Office of the County Recorder.
4. The Final Map shall conform to the provisions of Coastal Development Permit No. 269513.
5. The applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, including, but not limited to, any to any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify applicant of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, applicant shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the applicant shall not be required to pay or perform any settlement unless such settlement is approved by applicant

6. The subdivider shall provide a Notice of Tenants Rights and Notices for Condominium Conversion, consistent with the Land Development Manual to be provided as follows:
 - a. For existing tenants, within 10 days of the project application for the *condominium conversion* being deemed complete; or
 - b. For prospective tenants, upon application for the rental of a unit in the proposed *condominium conversion*.
7. The Subdivider shall provide each tenant, and each person applying for the rental of a unit in such residential real property, all applicable notices and rights now or hereafter required by the State Map Act.
8. The Subdivider shall provide the tenants a Notice of Application for a Public Report at least 10 days prior to the submittal to the Department of Real Estate (DRB), pursuant to Section 66427.1(a) of the Subdivision Map Act.
9. The Subdivider shall provide each of the tenants of the proposed condominiums written notice of intention to convert at least 180 days prior to termination of tenancy due to the conversion or proposed conversion in conformance with Section 66427.1(c) of the Subdivision Map Act. The provisions of this subdivision shall not alter nor abridge the rights or obligations of the parties in performance of their covenants, including, but not limited to, the provision of services, payment of rent, or the obligations imposed by Sections 1941, 1941.1 and 1941.2 of the Civil Code.
10. The Subdivider shall provide each of the tenants of the proposed condominiums notification of their exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant, in conformance with Section 66427.1(d) of the State Map Act. The right shall run for a period of not less than 90 days from the date of issuance of the subdivision public report, pursuant to Section 11018.2 of the Business and Professions Code, unless the tenant gives prior written notice of his or her intention not to exercise the right.
11. The Subdivider shall provide the tenants of the proposed condominiums with written notification within 10 days or approval of a Final Map for the proposed conversion, in conformance with Section 66427.1(b) of the Subdivision Map Act.
12. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.

13. Prior to recordation of the Final Map, all onsite utilities serving the subdivision shall be undergrounded with appropriate permits. The applicant shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
14. The Subdivider shall provide each tenant, and each person applying for the rental of a unit in such residential real property, all applicable notices and rights now or hereafter required by the State Map Act.
15. The Subdivider shall provide the tenants a Notice of Application for a Public Report at least 10 days prior to the submittal to the Department of Real Estate (DRB), pursuant to Section 66427.1(a) of the Subdivision Map Act.
16. The Subdivider shall provide each of the tenants of the proposed condominiums written notice of intention to convert at least 180 days prior to termination of tenancy due to the conversion or proposed conversion in conformance with Section 66427.1(c) of the Subdivision Map Act. The provisions of this subdivision shall not alter nor abridge the rights or obligations of the parties in performance of their covenants, including, but not limited to, the provision of services, payment of rent, or the obligations imposed by Sections 1941, 1941.1 and 1941.2 of the Civil Code.
17. The Subdivider shall provide each of the tenants of the proposed condominiums notification of their exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant, in conformance with Section 66427.1(d) of the State Map Act. The right shall run for a period of not less than 90 days from the date of issuance of the subdivision public report, pursuant to Section 11018.2 of the Business and Professions Code, unless the tenant gives prior written notice of his or her intention not to exercise the right.
18. The Subdivider shall provide the tenants of the proposed condominiums with written notification within 10 days or approval of a Final Map for the proposed conversion, in conformance with Section 66427.1(b) of the Subdivision Map Act.

AFFORDABLE HOUSING

19. The Housing Commission carried out a tenant income survey pursuant to the City's Coastal Overlay Zone Affordable Housing Replacement Regulations (Municipal Code Sections 143.0810 through 143.0860). The applicant is required to pay an in-lieu fee of \$142,300.00 to the Housing Commission or provide two replacement studio units for low-income households, one

replacement studio unit for moderate-income households and two, one-bedroom unit for low-income households.

The applicant shall enter into a Coastal Affordable Housing Compliance Agreement with the Housing Commission prior to the approval of Final Map.

20. Prior to the recordation of the Final Map, the subdivider shall demonstrate conformance with the Municipal Code provisions for Tenant Relocation Benefits (Chapter 14, Article 4, Division 5), to the satisfaction of the City Manager and the Housing Commission.

ENGINEERING

21. The Final Map shall comply with the provisions of Coastal Development Permit No. 269513.
22. At the intersection of the two existing alleys at the southwest corner of the property, the subdivider shall dedicate a triangular area at the corner, 16 feet on each side, and shall be improved and included in the right-of-way.
23. Whenever street rights-of-way are required to be dedicated, it is the responsibility of the subdivider to provide the right-of-way free and clear of all encumbrances and prior easements. The subdivider must secure "subordination agreements" for minor distribution facilities and/or "joint-use agreements" for major transmission facilities.
24. The subdivider shall reconstruct the existing pedestrian ramp on the west side of the west alley, and construct a new pedestrian on the east side of the west alley, adjacent to the site on Thomas Avenue at the alley entrance, with current City Standard Drawing SDG-136 with truncated domes.
25. The subdivider shall repair the damaged sidewalk, maintaining the existing sidewalk scoring pattern, adjacent to the site on Thomas Avenue.
26. This project shall comply with all current street lighting standards according to the City of San Diego Street Design Manual (Document No. 297376, filed November 25, 2002) and the amendment to Council Policy 200-18 approved by City Council on February 26, 2002 (Resolution R-296141) satisfactory to the City Engineer. This may require (but not be limited to) installation of new street light(s), upgrading light from low pressure to high pressure sodium vapor and/or upgrading wattage.
27. The subdivider shall ensure that all onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The subdivider shall provide written confirmation from applicable utilities that the conversion has

taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.

MAPPING

27. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source will be the California Coordinate System, Zone 6, North American Datum of 1983 (NAD 83).
28. "California Coordinate System means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."
29. Every Final Map shall:
 - a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.
 - b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of Third Order accuracy or better. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.
30. The design of the subdivision shall include private easements, if any, serving parcels of land outside the subdivision boundary or such easements must be removed from the title of the subdivided lands prior to filing any parcel or final map encumbered by these easements.

SEWER AND WATER

31. Water and Sewer Requirements:
 - a. The subdivider shall install appropriate private back flow prevention devices on all existing and proposed water services (domestic, irrigation, and fire) adjacent to the project site in a manner satisfactory to the Water Department Director.

- b. The subdivider shall provide a letter, agreeing to prepare CC&Rs for the operation and maintenance of all private water and sewer facilities that serve or traverse more than a single condominium unit or lot.

INFORMATION:

- The approval of this Tentative Map by the Planning Commission of the City of San Diego does not authorize the subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC Section 1531 et seq.).
- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), then the subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- Subsequent applications related to this Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party, on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Tentative Map, may protest the imposition within 90 days of the approval of this Tentative Map by filing a written protest with the City Clerk pursuant to California Government Code Section 66020.

PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF SAN DIEGO, CALIFORNIA, ON AUGUST 30, 2007, BY RESOLUTION NO. ____ - PC.

By

Glenn R. Gargas
Development Project Manager
Development Services Department

Job Order No. 42-5278

Rev 3/7/05 dcj

PACIFIC BEACH COMMUNITY PLANNING COMMITTEE
April 26, 2006 Meeting Minutes

Members Present:

Katie Cooper	Chris Fuller	Jim Lester	Mark Mitchell
Jim Morrison	Ben Nicholls	Marcie Beckett	Catherine Strolein
Barry Schneider	Kathy Evans	William Heilmann	John Shannon
Jenton Price	Carol Blomstrom	Kathy Mateer	

Call to Order, Quorum, Minutes, and Agenda

The meeting was called to order at 6:30 PM. A quorum was established.

- Motion (C. Strolein/ J. Lester): approve minutes for March 22nd meeting. Motion carried with all in favor.

Residential subcommittee Item number 9, referring to 825 Missouri Street was continued.

- Motion (B. Schneider/ C. Strolein): adopt revised agenda. The motion passed unanimously.

Communications from the Public (non agenda items): None

Government Office Reports

A. Stanley from Council District 2 reported that the Beach Area Community Court hosted its first Impact Panel Volunteer Training on 4/ 25. She reported that the first court session would occur on 5/13. She solicited volunteers. She reported on city activities during the PB Block Party date. She also reported that a community cleanup day would occur on 4/29 and that Councilmember Faulconer would attend. She answered several questions regarding directional painting on the boardwalk and the status of the lifeguard tower.

City Planner- Marlon Pangilinan:

M. Pangilinan reported that a training was occurring for new committee members on 4/29. There was some discussion regarding which committee members had taken the trainings.

Chair's Report – Mark Mitchell:

M. Mitchell conducted the officer elections.

- Motion: (C. Blomstrom/ C. Strolein): Elect M. Mitchell as PBCPC Chair. The motion was endorsed by all members.
- Motion: (C. Blomstrom/ B. Schneider): Elect C. Strolein as PBCPC vice Chair. The motion was endorsed by all.
- Motion: (C. Blomstrom/ K. Mateer): Elect B. Nicholls as Recording Secretary. The motion was endorsed by all.

M. Mitchell reported that anyone interested in appointed positions communicate their interest to him for appointment at the next meeting.

B. Nicholls reported that J. Shannon had not received sufficient votes during the election to be seated. Subsequently another application had been received for that slot.

- Motion (C. Blomstrom/ B. Schneider): To receive J. Shannon's application for vacant residential 80.01 board position. The motion passed with all in favor.

Residential Subcommittee Report – Barry Schneider:

1. 1333 Reed Avenue #85426 CDP to construct a two story garage and workshop.

The subcommittee had expressed a desire that the two structures be tied together stylistically and the group expressed concern that the 'workshop' would become an illegal bedroom over time.

- Motion (B. Schneider/ M. Beckett): approve the project with the condition that the bathroom facilities be limited to those shown in the plan. The motion passed unanimously.

- 2. 1501 Chalcedony Street #90566 CDP and TMW to convert 4 existing residential units to condominiums. &**
- 3. 1509 Chalcedony Street #90571 CDP and TMW to convert 4 existing residential units to condominiums.**

The subcommittee had reported issues regarding providing additional parking. However it was reported by the applicant that adding another parking space within the project would result in the loss of one on the street. The committee's concerns regarding the location of trashcans were pacified when the applicant illustrated the location of a trash enclosures.

- Motion (B. Schneider/ Jim Lester); approve the project providing the trash enclosures illustrated were included. The motion passed(14 /1):.

4. 1117 Feldspar Street #94366 CDP & TM to create 4 residential condominiums under construction. & 5. 1125 Feldspar Street #94859 CDP & TM to create 4 residential condominiums under construction.

The subcommittee expressed a concern about cedar wood fencing.

- Motion (B. Schneider /J. Lester); approve the project with the condition that a three foot iron fence be included as discussed. The motion carried (14 /1):.

6. 1244 Oliver Ave. #81316 CDP and TM to convert 9 existing residential units to condominiums.

The subcommittee discussion had centered on concerns about the trash enclosure.

- Motion (B. Schneider/ J. Lester); approve the project with the stipulation that the trash enclosures be included. The motion carried with all hands in favor.

7. 901 Sapphire Street #84320 CDP and TM to convert 10 existing residential units to condominiums.

The subcommittee reported that the map needed to updated to illustrate trash enclosures and corrected unit counts.

- Motion (B. Schneider/ C. Strolein); was made to approve the project. The motion carried (14 /1):.

8. 835 Thomas Ave. #84312 CDP and TM to convert 11 existing residential units to condominiums.

The subcommittee reported that the 11th parking space should be reconfigured to better accept access for emergency vehicles and that trash enclosures should be clearly called out.

- Motion (B. Schneider/ J. Lester);was made to approve the project. The motion carried (13 / 2):.

The Residential Subcommittee report concluded.

Commercial Subcommittee report – B. Nicholls

1. 4767 Missouri Street #94959 add 3 wireless antennas and equipment to an existing rooftop penthouse.

The correct address for this project was reported as 4767 Ocean Blvd.

- Motion (B. Nicholls/ C. Blomstrom); Endorse the project. The motion carried (14/1):.

2. 2088 Beryl Street #95949 NUP for two new 30 feet high light standards supporting antennas

The subcommittee reported that a discussion had occurred regarding the proximity of radio towers to a school and whether the tower should be painted to match the surrounding tree or be designed to look like a tree.

- Motion (B. Nicholls/ C. Blomstrom); Endorse the project with the stipulation that the tower simply be painted to look like a tree. The motion carried (10/5):.

3. 4105 Mission Blvd. #41256 CDP to demolish and existing building and construct 18 residential units over commercial (resubmittal):.

M. Beckett reported that the project was moving forward and that input was required for a Negative Mitigated Declaration. She stated that the project would reach the Planning Commission in June. M. Beckett summarized the previous objections to the project.

- Motion (M. Beckett/ C. Blomstrom):"The chair is authorized to send a written response to the NMD for #41256 that will convey previously established concerns of the project and a representative shall be sent to all public hearings to convey the committee position regarding said project ". The motion passed with all in favor.

4. 2830 Grand Ave. #4977 – Convenience Store with application for liquor license.

It was reported that this project was moving forward and that the opinion of the committee was being misrepresented. The previous vote of support for this project had been based on no alcohol use being included. The project now included alcohol sales. A Strolein gave an enthusiastic presentation regarding this project.

- Motion (Jim Lester/ B. Schneider); Reconsider the project. The motion carried with all hands in favor.



City of San Diego
Development Services
1222 First Ave., MS-302
San Diego, CA 92101
(619) 446-5000

Ownership Disclosure Statement

Approval Type: Check appropriate box for type of approval (s) requested: ☐ Neighborhood Use Permit ☐ Coastal Development Permit
☐ Neighborhood Development Permit ☐ Site Development Permit ☐ Planned Development Permit ☐ Conditional Use Permit
☐ Variance ☐ Tentative Map ☐ Vesting Tentative Map ☐ Map Waiver ☐ Land Use Plan Amendment ☐ Other _____

Project Title

Project No. For City Use Only

835 Thomas Ave. Condominium Conversion

Project Address:

835 Thomas Ave.

Part I - To be completed when property is held by individual(s)

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property, with the intent to record an encumbrance against the property. Please list below the owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached ☐ Yes ☒ No

Name of Individual (type or print):

WILLIAM G. CLARKE

☒ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

13945 PROCTOR VALLEY RD.

City/State/Zip:

JAMUL CA., 91935

Phone No:

619 669 1706, 619 669 1315

Signature:

William G. Clarke 7-11-05

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature:

Date:

Name of Individual (type or print):

JOANE E. CLARKE

☒ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

13945 PROCTOR VALLEY RD.

City/State/Zip:

JAMUL CA., 91935

Phone No:

619 669 1706, 619 669 1315

Signature:

Joane E. Clarke 7-11-05

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature:

Date:

NOTE #1 OWNERS ARE CO-TRUSTEES OF THE CLARKE TRUST DATED NOV. 12, 1991

NOTE #2 ALL MAIL SHALL BE SENT TO P.O. Box 549 JAMUL CA. 91935

**835 THOMAS AVENUE TENTATIVE MAP
COASTAL DEVELOPMENT PERMIT & TENTATIVE MAP**

**Project No. 84312
Project Chronology**

Date	Action	Description	City Review Time	Applicant Response
9/28/05	Applicant submits initial plans/Deemed Complete	Project plans distributed for City staff review.	1 day	
11/07/05	First Assessment Letter	First Assessment Letter identifying required approvals and outstanding issues provided to applicant.	1 Month 9 days	
1/23/06	Applicant submits second full set of plans.	Applicant's revised set of plans submitted in response to first assessment letter from City staff.		3 Months 6 days
03/28/06	Second Assessment Letter	Second Assessment Letter identifying all remaining/outstanding issues.	2 Month 5 days	
2/22/07	Issues resolved	Staff determines project issues resolved, okay Process 4 Planning Commission hearing to proceed.		9 Months 24 days
08/30/07	Planning Commission Hearing	Public Hearing	6 Month 8 days	
TOTAL STAFF TIME		Averaged at 30 days per month	9 Months 22 Days	
TOTAL APPLICANT TIME		Averaged at 30 days per month		13 Months 0 Days
TOTAL PROJECT RUNNING TIME			22 Months, 22 Days	



San Diego
Housing Commission

- 1625 New **ATTACHMENT 12**
- San Diego, California 92113-1038
- 619/578-7580
- FAX: 619/578-7356
- www.sdhc.net

January 30, 2007

Mr. William Clarke
P.O. Box 549
Jamul, CA 91935

SUBJECT: Coastal Affordable Housing Compliance Permit, 835 Thomas Avenue,
PTS #84312

Dear Mr. Clarke:

The purpose of this letter is to notify you of the Coastal Affordable Housing Compliance Permit Determination for your proposed conversion of eleven apartments to condominiums at 835 Thomas Avenue.

Upon receipt of your application, Housing Commission staff carried out an income survey of the eleven units. The tenant income survey identified **two studios and two one-bedroom units occupied by low-income persons and one studio occupied by moderate-income persons.**

Pursuant to the City's Coastal Overlay Zone Affordable Housing Replacement Regulations (Municipal Code Sections 143.0810 through 143.0860), we are notifying you of the results of this tenant income survey and your obligation to provide two studios and two one-bedroom replacement units with rents affordable to low-income households and one studio with rents affordable to moderate-income households for a period of five years. Alternatively, you may pay an in-lieu fee to the Housing Commission.

If you propose to provide replacement units, those units must be acceptable to the Housing Commission, consistent with the Municipal Code sections cited above. Affordable housing costs and affordable rents shall meet the requirements of California Health and Safety Code Sections 50052.5 and 50053.

If you propose instead to pay an in-lieu fee, your obligation under the current in-lieu fee schedule would be as follows:

Unit Size	Income Category	Number of Replacement Units	In-Lieu Fee	Total
Studio	Low-income	2	\$31,100	\$62,200
Studio	Moderate-Income	1	\$20,700	\$20,700
One-Bedroom	Low-income	2	\$29,700	\$59,400
TOTAL		5		\$142,300



Mr. William Clarke
January 30, 2007
Page 2

ATTACHMENT 12

Please note that the in-lieu fee schedule is subject to change, and the amount you would be required to pay will depend on the fee schedule in place at the time the Coastal in-lieu fee is due and payable.

When you have decided whether to provide replacement units or to pay the in-lieu fee, please notify Ms. Ann Kern of your decision **in writing**. She can be reached at 619-578-7582 or via e-mail at annk@sdhc.org

Sincerely,

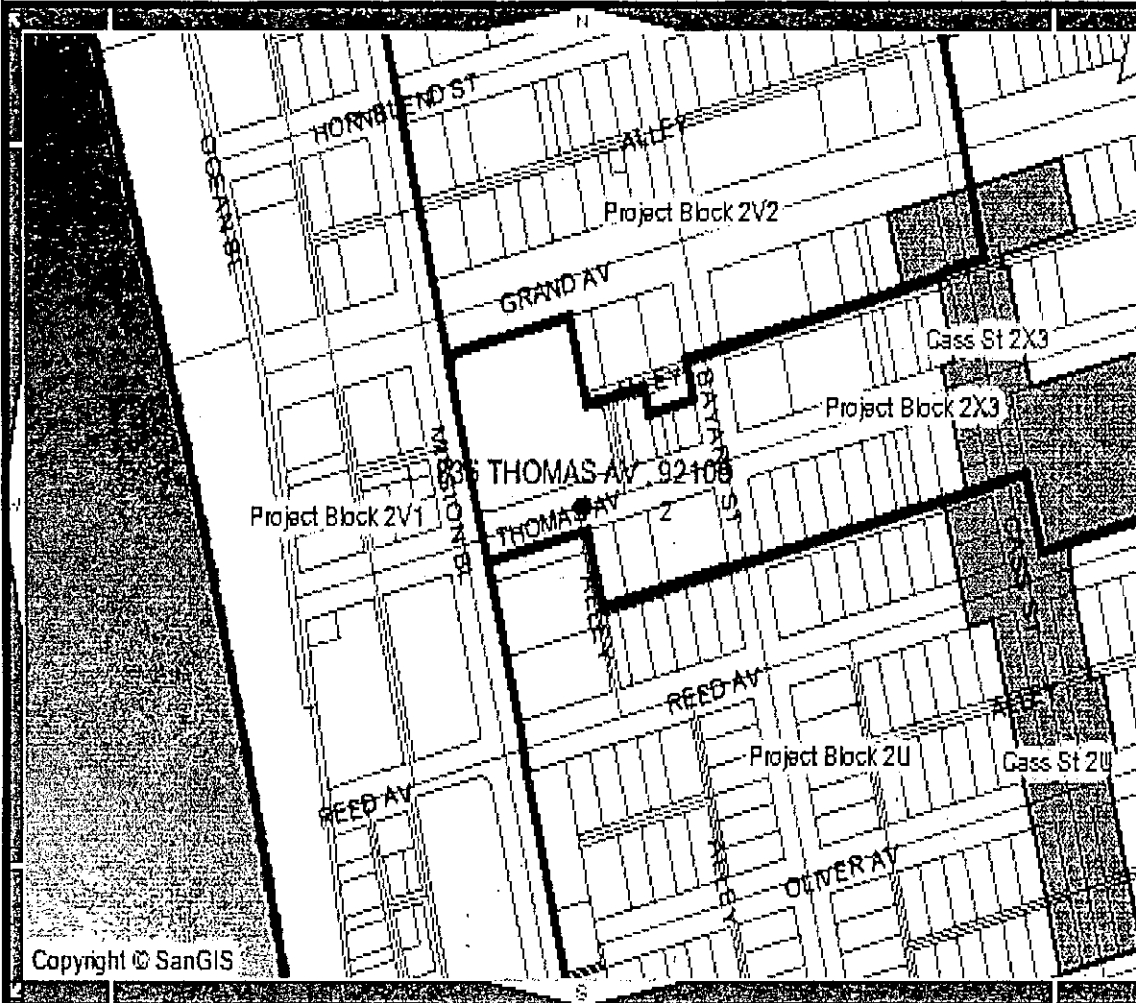


Cissy Fisher
Director, Housing Finance & Development

c: Ann Kern, San Diego Housing Commission
Glenn Gargas, City of San Diego Development Services, MS501
Robert Bateman, San Diego Land Surveying & Engineering

g:\hfshare\coastal\835 Thomas Avenue \835 Thomas Determination Ltr

Utilities Undergrounding Mapping Application



Identify Results

Council Districts

Council District: 2

Member Name: Kevin Faulconer

Office Phone: (619) 236-6622

Utilities Undergrounding

Projects

Project Name: Project Block 2X3

Year Allocated: 2041

Project Start: May 31, 2043

Project End: May 30, 2045

Contact Person: Carol Drummond

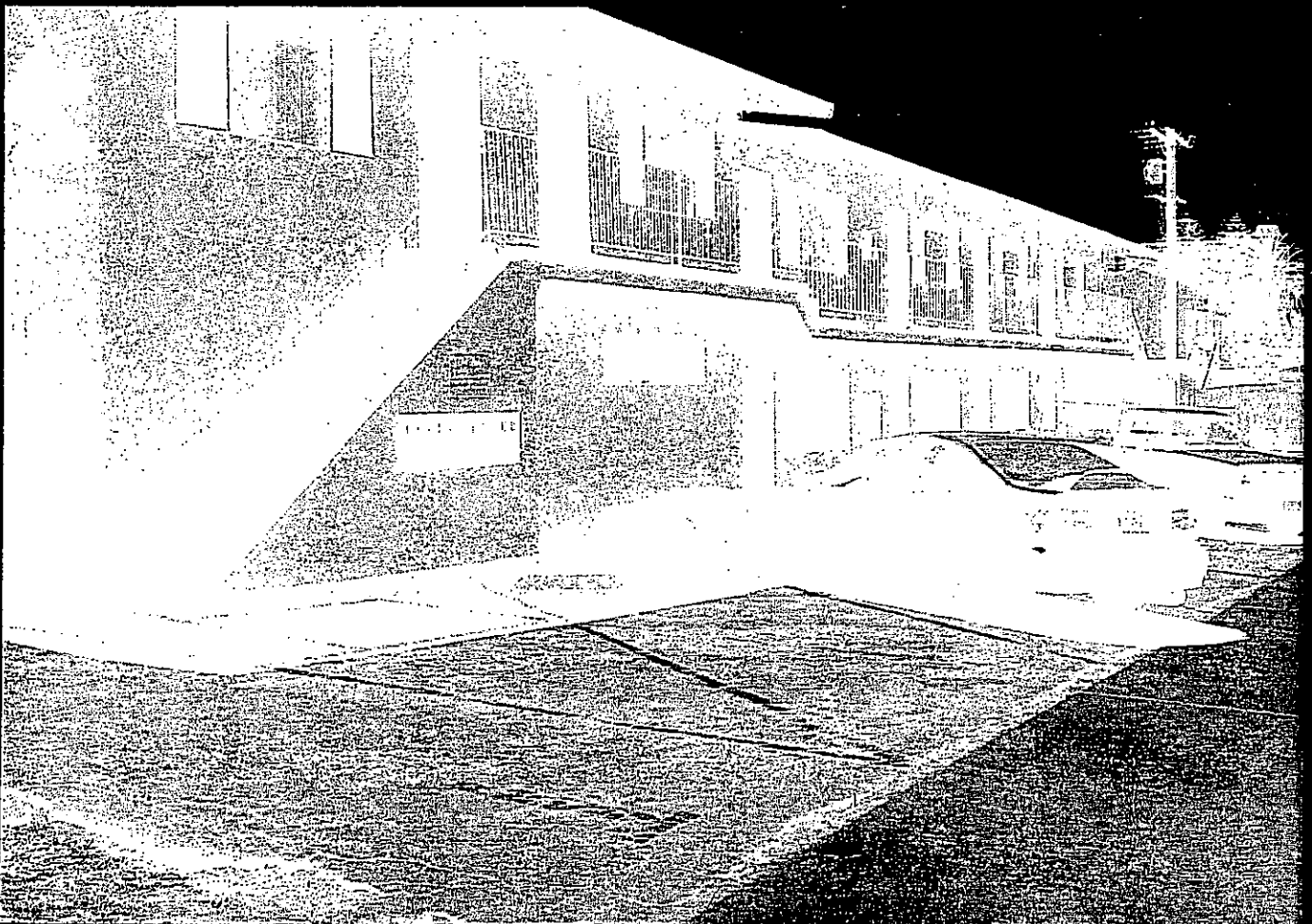
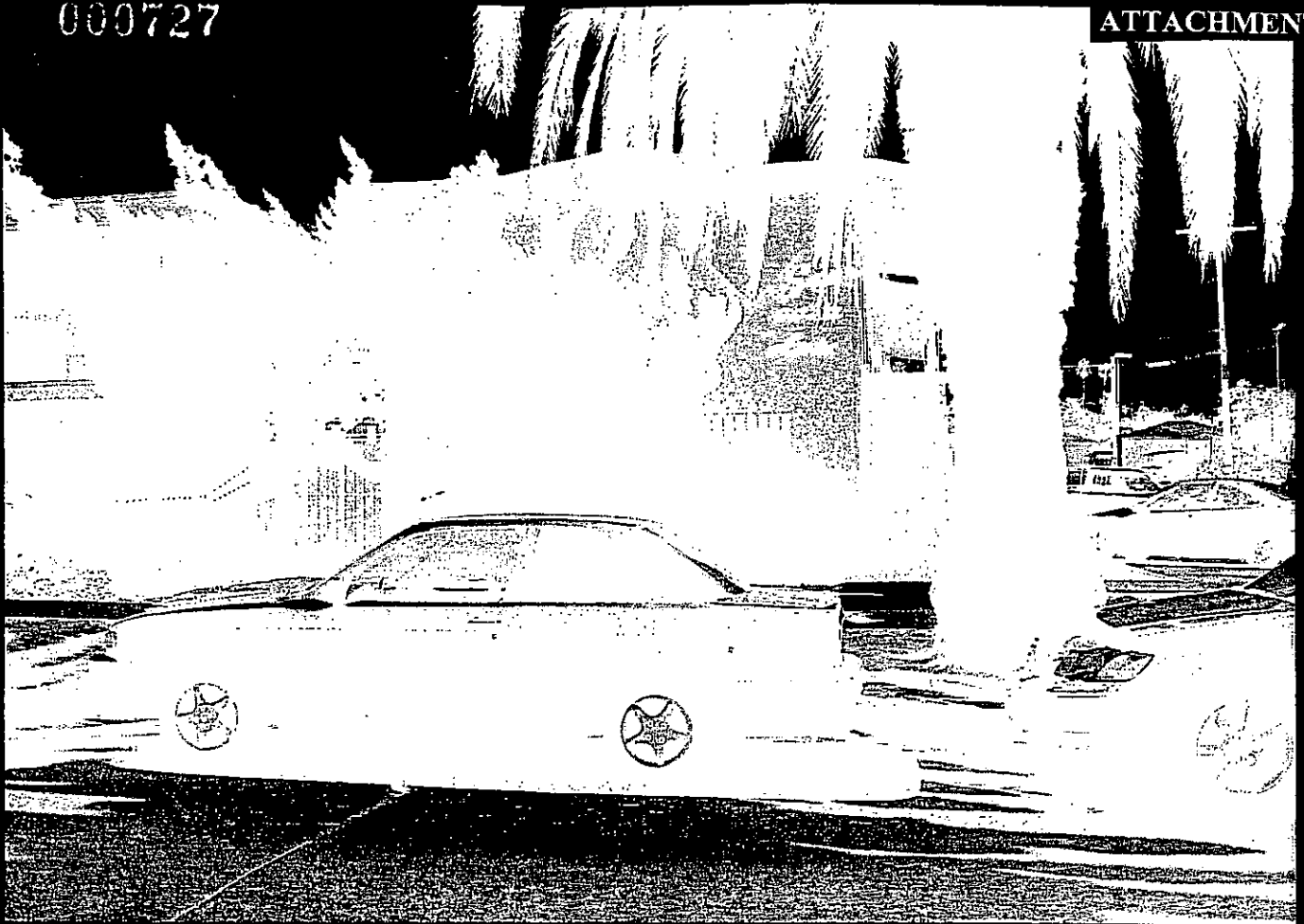
Phone #: 6195333841

Email: undergrounding@sa

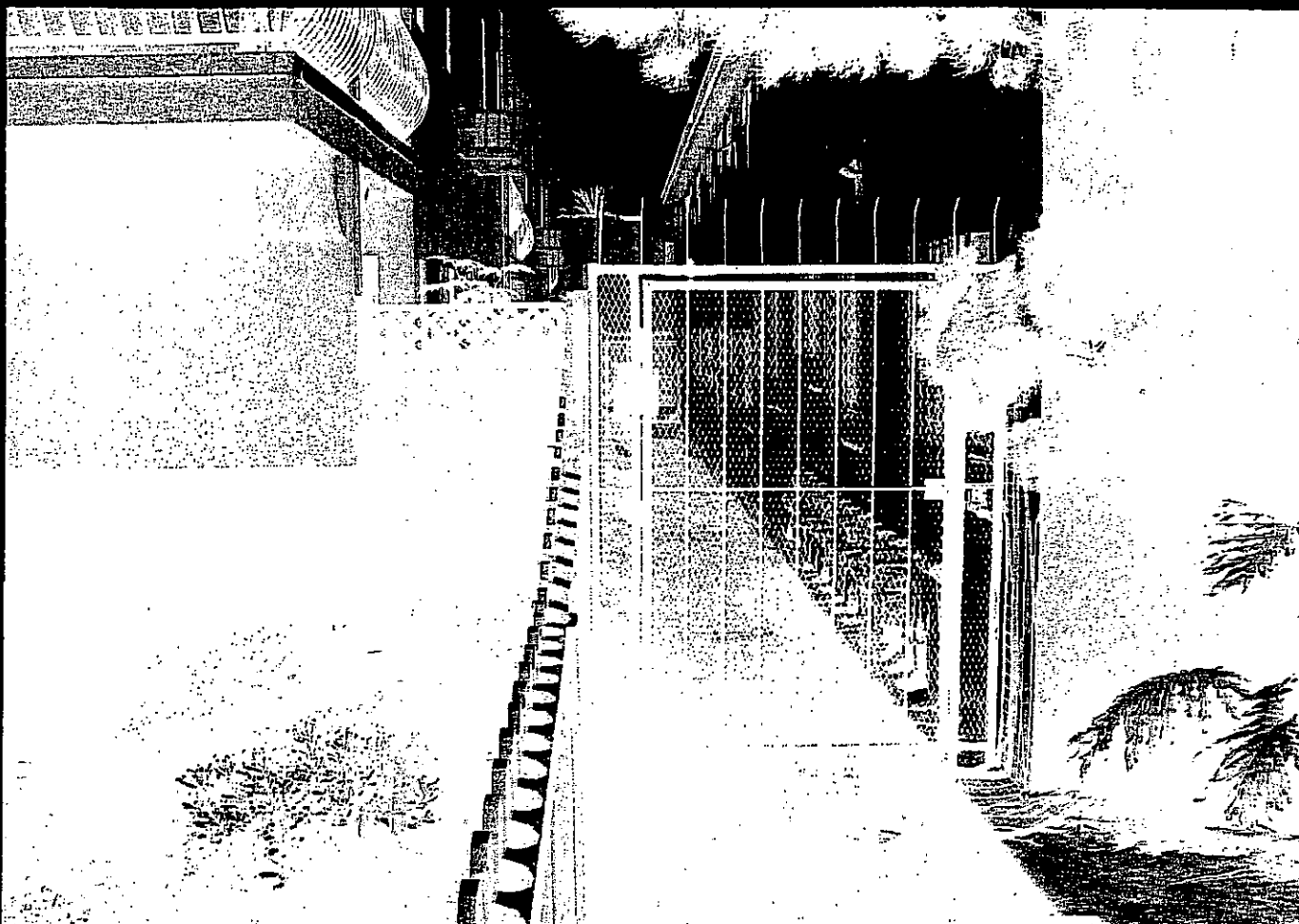
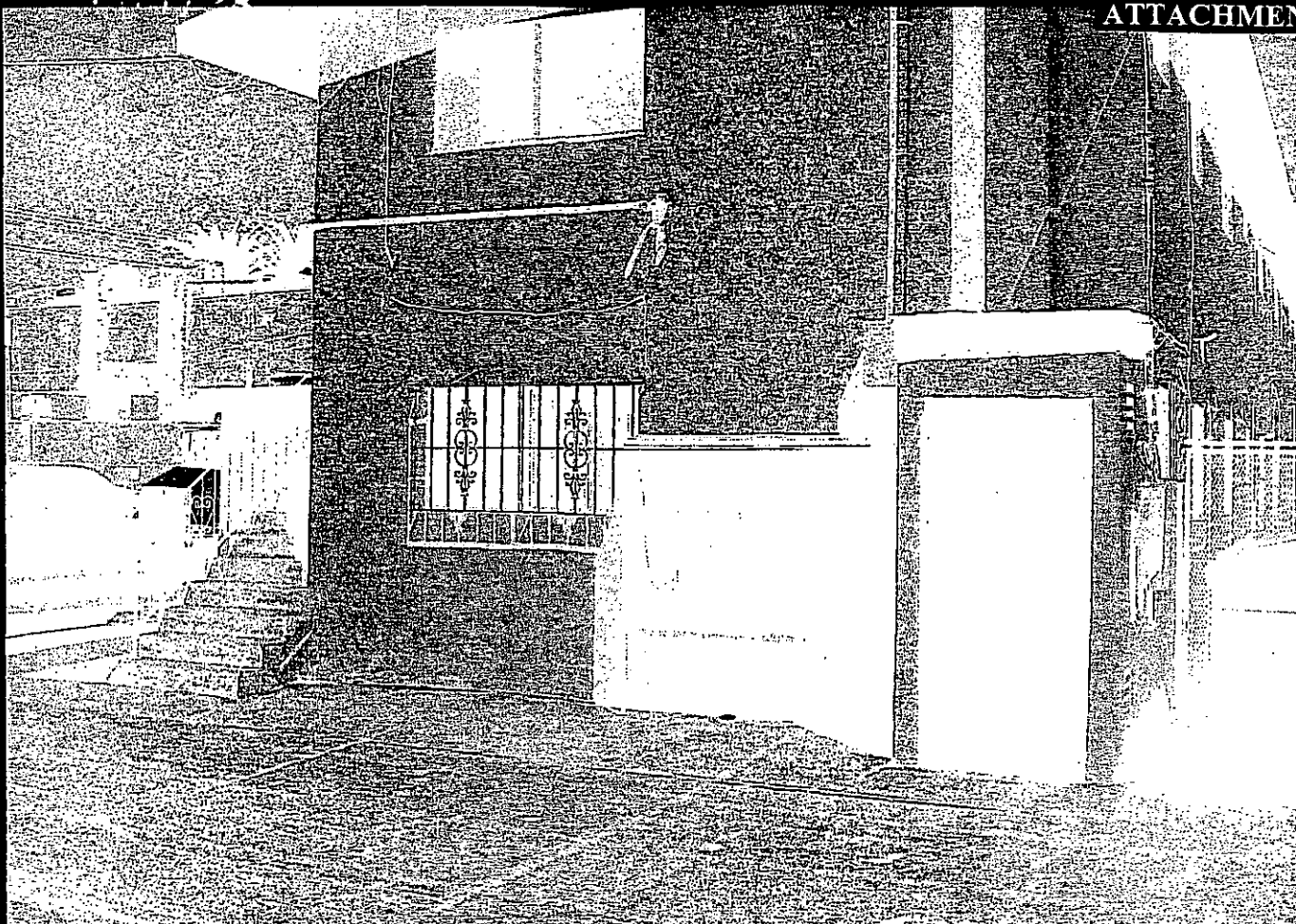
Website: www.sandiego.gov

Council District: 2

Phase: unallocated



2





City of San Diego
Development Services
1222 First Ave. 3rd Floor
San Diego, CA 92101
(619) 446-5210

RECEIVED
CITY CLERK'S OFFICE
07 SEP 10 PM 2:57

Development Permit/ Environmental Determination Appeal Application

FORM
DS-3031
MARCH 2007

SAN DIEGO, CALIF.

See Information Bulletin 505, "Development Permits Appeal Procedure," for information on the appeal procedure.

1. Type of Appeal:

- ☐ Process Two Decision - Appeal to Planning Commission
☐ Process Three Decision - Appeal to Planning Commission
☒ Process Four Decision - Appeal to City Council
☐ Environmental Determination - Appeal to City Council
☐ Appeal of a Hearing Officer Decision to revoke a permit

2. Appellant Please check one ☐ Applicant ☐ Officially recognized Planning Committee ☒ "Interested Person" (Per M.C. Sec. 113.0103)

Name
Robert J. Bateman, San Diego Land Surveying & Engineering, Inc.

Address City State Zip Code Telephone
9665 Chesapeake Dr., Suite 445 San Diego CA 92123 858-565-8362 ext. 101

3. Applicant Name (As shown on the Permit/Approval being appealed). Complete if different from appellant.

William G. Clarke

4. Project Information

Permit/Environmental Determination & Permit/Document No.:

Date of Decision/Determination:

City Project Manager:

PTS NO. 84312

August 30, 2007

Glenn Gargas

Decision (describe the permit/approval decision):

Approved by Planning Commission

5. Grounds for Appeal (Please check all that apply)

- ☐ Factual Error (Process Three and Four decisions only)
☒ Conflict with other matters (Process Three and Four decisions only)
☒ Findings Not Supported (Process Three and Four decisions only)
☐ New Information (Process Three and Four decisions only)
☐ City-wide Significance (Process Four decisions only)

Description of Grounds for Appeal (Please relate your description to the allowable reasons for appeal as more fully described in Chapter 11, Article 2, Division 5 of the San Diego Municipal Code. Attach additional sheets if necessary.)

This project was deemed complete in September of 2005

Requirements for Building Condition Reports, Landscaping Plans and Mandatory Private Improvements prior to Final Map

approval were not required or anticipated. Owner has plans to hold the property long-term and does not wish to evict

tenants to complete work for Final Map approval within 6 years.

6. Appellant's Signature: I certify under penalty of perjury that the foregoing, including all names and addresses, is true and correct.

Signature:

Robert J. Bateman

Date:

9-10-07

Note: Faxed appeals are not accepted. Appeal fees are non-refundable.

EXECUTIVE SUMMARY SHEET

DATE REPORT ISSUED: August 23, 2007

REPORT NO.: PC-07-095

ATTENTION: Council President and City Council

ORIGINATING DEPARTMENT: Development Services Department

SUBJECT: 835 Thomas Avenue Tentative Map, PTS No. 84312

COUNCIL DISTRICT: 2

STAFF CONTACT: Glenn Gargas, 446-5142, ggargas@sandiego.gov

REQUESTED ACTION:

Appeal of the Planning Commission's decision to approve a Coastal Development Permit, Tentative Map and waiver from the requirement to underground existing overhead utilities to convert eleven existing apartments to condominiums at 835 Thomas Avenue within the Pacific Beach Community Plan area. The applicant is appealing the Planning Commission's conditions requiring that the physical improvements recommended in the building conditions report be completed prior to the Final Map

STAFF RECOMMENDATION:

Grant the appeal and approve Coastal Development Permit No. 269513, Tentative Map No. 266188 and waive requirement to underground existing overhead utilities, without the Planning Commission's imposed conditions requiring implementation of the Building Conditions Report and landscape concept plan.

EXECUTIVE SUMMARY:

The application for a Coastal Development Permit, Tentative Map and waiver from the requirement to underground existing overhead utilities was deemed complete on October 5, 2005. At that time, the condominium conversion regulations did not require a Building Conditions Report or landscape improvements. The environmental determination was subsequently appealed to the City Council, it was part of the original 76 California Environmental Quality Act (CEQA) appeals by Cory Briggs. On July 31, 2006, the City Council denied the CEQA appeal by Resolution No. R-301723. That denial permitted this project to move forward through the review and hearing process, subject to the regulations that were in effect at the time the project was deemed complete.

The new condominium conversion regulations are not applicable to this project. There is no legal requirement for either the Building Conditions Report or the Landscape Concept Plan. Nevertheless, the Planning Commission has consistently requested applicants to voluntarily provide a Building Conditions Report and a Landscape Concept Plan. The owner did voluntarily provide these documents.

On August 30, 2007, the Planning Commission approved the project, with the following conditions which are required to be completed prior to recordation of the Final Map. The appellant is objecting to these conditions imposed by the Planning Commission.

- 1) Proposed renovation improvements cited in the cost estimate of the Building Conditions Report.
- 2) Landscaping improvements.
- 3) Replacement of any items in the Building Conditions Report with five years of life or less.

In several previous appeals this year, the City Council has adopted a compromise which allows the condo converter to execute the required physical improvements prior to the sale of the first unit. City staff does not recommend that approach as it does not provide a mechanism for the City Engineer to verify that the improvements have been completed.

City staff's recommendation to grant the appeal and approve the project without the Planning Commission's imposed requirements is based primarily on the fact that this project is not legally required to meet those requirements.

FISCAL CONSIDERATIONS:

All costs associated with the processing of this project are paid by the applicant.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

The CEQA determination of exemption was appealed by Citizens for Responsible Equitable Environmental Development, care of Cory Briggs of Briggs Law. On July 31, 2006, the City Council denied the CEQA appeal by Resolution No. R-301723. That denial permitted the project to move forward through the review and hearing process.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On August 30, 2007, the Planning Commission voted 5-1-0 to approve the project with added conditions.

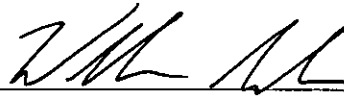
On April 26, 2006, the Pacific Beach Community Planning Group voted 13-2-0 to approve the project.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Owner and Applicant William G. Clarke and Joanne E. Clarke, Co-Trustees of the Clarke Trust and the property's tenants.



Kelly Broughton
Director
Development Services Department



William Anderson
Deputy Chief of Land Use and
Economic Development

ATTACHMENTS:

1. Planning Commission Report PC-07-095
2. Planning Commission Meeting Minutes (August 30, 2007)
3. Building Conditions Report, dated July 10, 2007
4. Determination of CEQA
5. Council Resolution R-301723
6. Appeal to the City Council, dated September 9, 2007



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: August 23, 2007 **REPORT NO.** PC-07-095

ATTENTION: Planning Commission, Agenda of August 30, 2007

SUBJECT: 835 THOMAS AVENUE TENTATIVE MAP - PROJECT NO. 84312.
PROCESS 4

**OWNER/
APPLICANT:** Mr. William G. Clarke Family Trust

SUMMARY

Issue(s): Should the Planning Commission approve a Coastal Development Permit and Tentative Map to convert eleven existing apartment units into residential condominiums located at 835 Thomas Avenue, with a request to waive the requirement to underground existing overhead utilities?

Staff Recommendation:

1. APPROVE Coastal Development Permit No. 269513; and
2. APPROVE Tentative Map No. 266188 and the request to waive the requirement to underground existing overhead utilities.

Community Planning Group Recommendation: On April 26, 2006, the Pacific Beach Community Planning Committee voted 13-2-0 to recommend approval of the proposed project. That recommendation also included a condition to reconfigure the 11th parking space for better access for emergency vehicles and to add a trash enclosure to the site.

Environmental Review: The project is exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19, 15301 (k), as "Existing Facilities". This project is not pending an appeal of the environmental determination. The exemption determination for this project was made on October 20, 2005; and the opportunity to appeal that determination ended on November 3, 2005. Briggs Law Firm filed an appeal to the determination on October 24, 2005. The appeal was denied by City Council on July 31, 2006.

Fiscal Impact Statement: All costs associated with processing of this application are paid for by the applicant.

Code Enforcement Impact: None.

Housing Impact Statement: The proposed project is the conversion of eleven existing apartment units into condominiums. There would be a loss of eleven rental units and a gain of eleven for-sale units. This Tentative Map project is required to comply with the inclusionary housing requirements and tenant relocation assistance program, which are conditions of the proposed Tentative Map (Attachment 8).

BACKGROUND

The 6,250 square foot site is located at 835 Thomas Avenue in the RM-1-1 Zone, Coastal Overlay Zone (non-appealable), Coastal Height Overlay Zone and Beach Parking Impact Overlay Zone. The development is located on two parcels and designated Multi-Family Residential by, and located within, the Pacific Beach Community Plan area (Attachment 2). The surrounding area is developed with a mix of commercial, multi-family and some intermittent single family development. The proposed subdivision constitutes, by definition, Coastal Development, which pursuant to the Land Development Code (Section 126.0702) requires a Coastal Development Permit. A Tentative Map is required, by the Land Development Code (Section 125.0410), for the proposed division of the property into eleven residential condominium dwelling units.

The existing development is a two-story, eleven dwelling unit apartment building that was constructed in 1960. At the time the property was developed the approved construction met all the current regulations. The apartment building includes eight, studio units, two, one-bedroom units, and one, two-bedroom unit, ranging in size from approximately 370 square feet to 700 square feet each. The original development provided eleven parking spaces, located off the side alley.

No Building or Zoning Code violations are recorded against the property. The project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code. If this property were vacant today, under the current RM-1-1 Zone development regulations, up to two residential dwelling units could be developed.

DISCUSSION

Project Description:

The project proposes to convert the existing residential complex, made up of eleven residential apartments, into eleven residential condominium dwelling units. Utilities are located above ground in the right-of-way of the alley at the rear of the property, south of Thomas Avenue and east of Mission Boulevard. The apartment building was constructed in 1960 and consists of a two-story, concrete stucco and gravel roof. The project has a total of eleven off-street parking

spaces, located off the side alley. During the project's review, City Staff determined that the existing structure was in conformance with the development codes in effect at the time of construction. The applicant also addressed concerns raised by the Pacific Beach Community Planning Committee by reconfiguring the 11th parking space and intends to include a trash enclosure on the site.

Undergrounding Waiver Request:

The project site is located in Block 2X3 of the City's Undergrounding Master Plan and is scheduled for undergrounding to start on May 31, 2045 (Attachment 13). San Diego Municipal Code Section 144.0240, allows the subdivider to apply for a waiver of the requirement to underground the existing overhead utilities within the boundary of the subdivision, or within the abutting public rights-of-way. City staff has determined the undergrounding waiver request qualifies under the Guidelines of Council Policy 600-25, *Undergrounding Conversion of Utility Lines at the Developers Expense*, in that it involves a short span of under 600-feet, would not represent a logical extension to an undergrounding facility and is a condominium conversion application. The applicant would be required to underground any new service run to any new or proposed structures within the subdivision and all onsite utilities serving the subdivision will be undergrounded as a condition of the Tentative Map (Attachment 8). If the requested waiver of undergrounding is not approved, the applicant would have to add one additional power pole, at the south west corner of the property along the rear alley.

Project-Related Issues:

All condominium conversion projects deemed complete on or after February 7, 2004, must conform to the regulations regarding Inclusionary Housing, Coastal Affordable Housing and Tenant Relocation Benefits adopted by the City Council on March 15, 2004. Conditions Nos. 11, and 12 of the draft Tentative Map Resolution (Attachment 8) require compliance with this ordinance. In order to meet this requirement the applicant has elected to pay the in-lieu fee for Coastal Affordable Housing, which is calculated to be \$142,300.00.

Conclusion:

A Coastal Development Permit, Tentative Map and Waiver of Undergrounding for a Condominium Conversion are a Process Four, Planning Commission decision pursuant to San Diego Municipal Code Sections 126.045 and 125.0430. A Tentative Map for Condominium Conversion may be approved if the decision maker finds that the proposed division of land complies with the requirements of the Subdivision Map Act and the San Diego Municipal Code. Staff has reviewed the proposed condominium conversion and found it to be in conformance with the applicable sections of the San Diego Municipal Code regulating Tentative Maps and land use policies. Staff has determined that the required findings can be made as the project meets the applicable San Diego Municipal Code regulations and requirements. Staff recommends approval of the project as proposed.

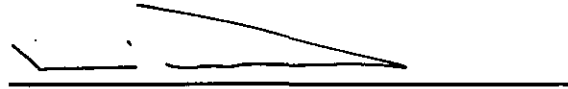
The project site is located within the Coastal Overlay Zone and is not subject to new condominium conversion regulations adopted by the City Council on June 13, 2006, and certified

by the California Coastal Commission on June 14, 2007, due to the fact that this project was delayed by the Brigg's Environmental Determination Appeal.

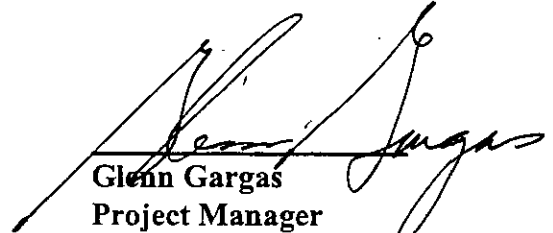
ALTERNATIVES

1. Approve Coastal Development Permit No. 269513 and Tentative Map with Waiver of Undergrounding No. 266188, with modifications.
2. Deny Coastal Development Permit No. 269513 and Tentative Map with Waiver of Undergrounding No. 266188, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



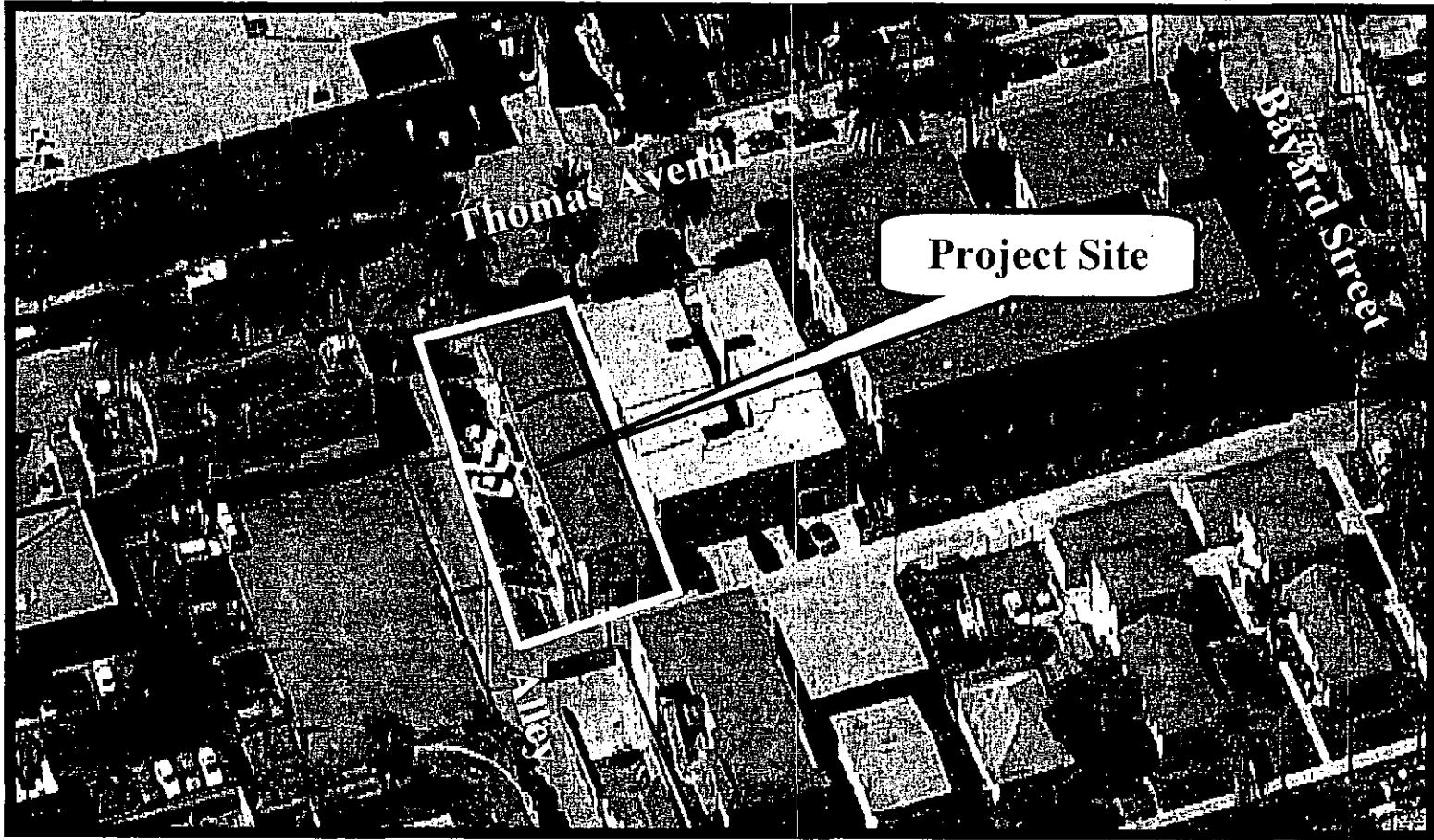
**Mike Westlake
Program Manager
Development Services Department**



**Glenn Gargas
Project Manager
Development Services Department**

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Project Site Plan/Tentative Map
6. Draft CDP Permit
7. Draft CDP Resolution
8. Draft Tentative Map Conditions and Subdivision Resolution
9. Community Planning Group Recommendation
10. Ownership Disclosure Statement
11. Project Chronology
12. Housing Commission Letter - Coastal Affordable Housing Compliance
13. Proposed Undergrounding of Overhead Utilities
14. Photos of Existing Front and Rear Elevations

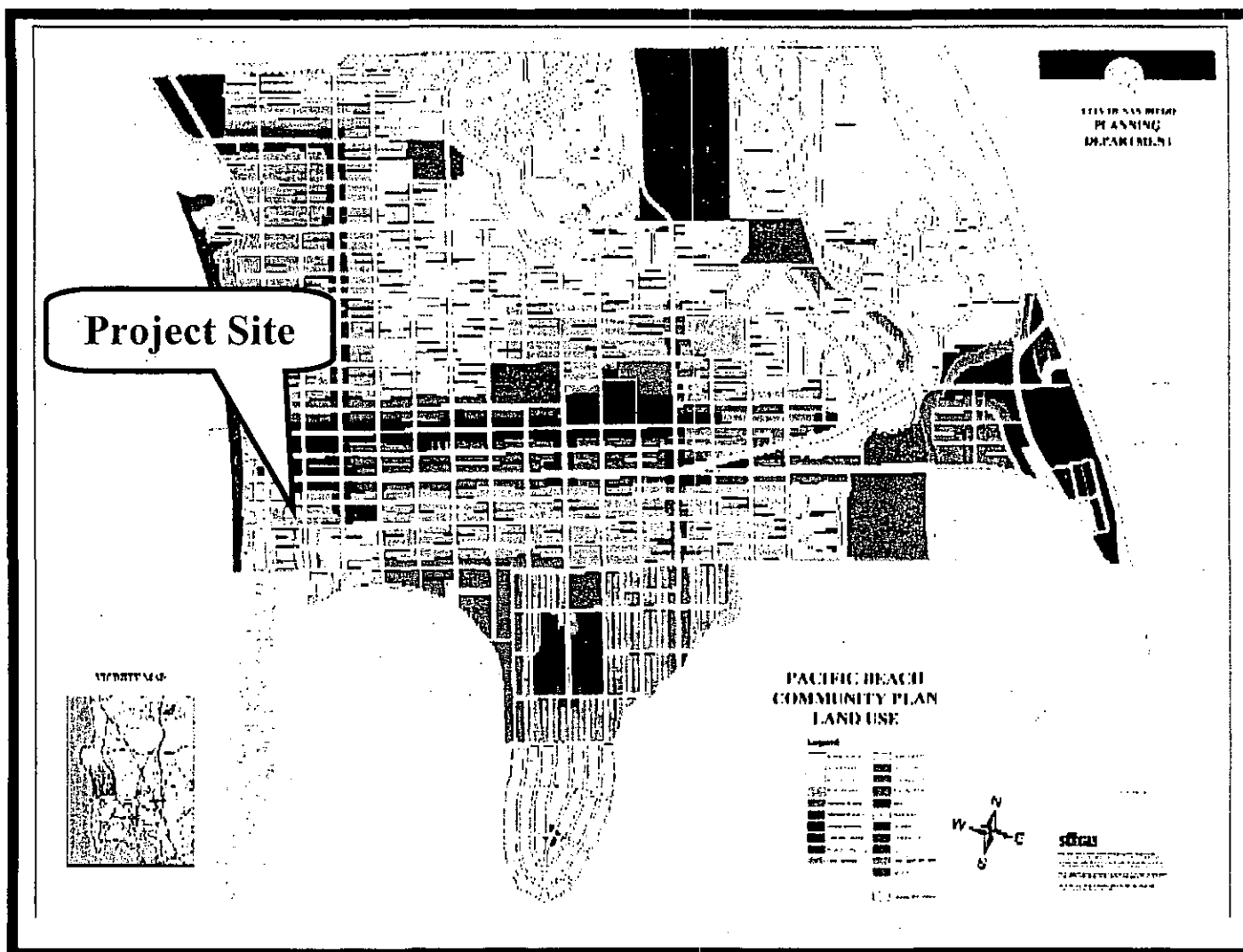


Aerial Photo

835 THOMAS AVENUE TENTATIVE MAP -835 THOMAS AVENUE

PROJECT NO. 84312



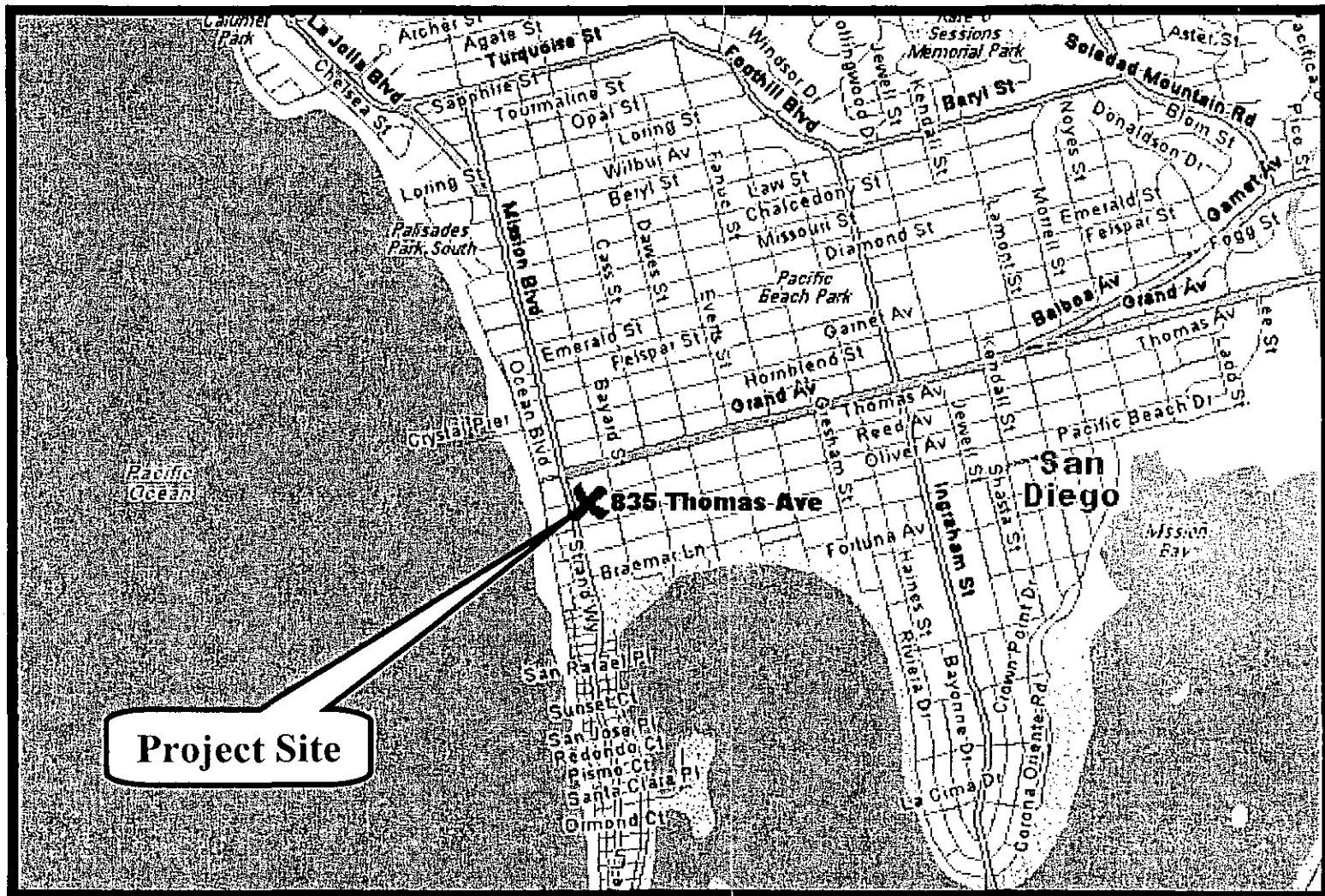


Land Use Map

835 THOMAS AVENUE TENTATIVE MAP – 835 THOMAS AVENUE

PROJECT NO. 84312





Project Location Map

835 THOMAS AVENUE TENTATIVE MAP – 835 THOMAS AVENUE
PROJECT NO. 84312



PROJECT DATA SHEET

FOR CONDOMINIUM CONVERSIONS

PROJECT NAME:	835 Thomas Avenue Tentative Map			
PROJECT DESCRIPTION:	Conversion of eleven residential units to condominium ownership and a waiver to underground existing utilities.			
COMMUNITY PLAN AREA:	Pacific Beach Plan Area.			
DISCRETIONARY ACTIONS:	Coastal Development Permit, Tentative Map and utility underground waiver			
COMMUNITY PLAN LAND USE DESIGNATION:	Multi-Family Residential			
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; vertical-align: top;"> <u>CURRENT ZONING INFORMATION:</u> ZONE: RM-1-1: multi-family residential zone DENSITY: one dwelling unit per 3,000 sq. ft. of lot area. HEIGHT LIMIT: 30-Foot maximum height limit. LOT SIZE: 6,000 square-foot minimum lot size. FLOOR AREA RATIO: 0.75 maximum. FRONT SETBACK: 15/20 feet. SIDE SETBACK: 5/8 feet. STREETSIDE SETBACK: 10 feet. REAR SETBACK: 15 feet. PARKING: 18 spaces required </td> <td style="width: 50%; vertical-align: top;"> <u>CONSTRUCTED:</u> R-4 One unit per 400 sq. ft. of lot area 30 6,250 Square Feet 0.73 14.9-Feet 5/18.9-Feet NA 1.7-Feet 11 spaces </td> </tr> </table>			<u>CURRENT ZONING INFORMATION:</u> ZONE: RM-1-1: multi-family residential zone DENSITY: one dwelling unit per 3,000 sq. ft. of lot area. HEIGHT LIMIT: 30-Foot maximum height limit. LOT SIZE: 6,000 square-foot minimum lot size. FLOOR AREA RATIO: 0.75 maximum. FRONT SETBACK: 15/20 feet. SIDE SETBACK: 5/8 feet. STREETSIDE SETBACK: 10 feet. REAR SETBACK: 15 feet. PARKING: 18 spaces required	<u>CONSTRUCTED:</u> R-4 One unit per 400 sq. ft. of lot area 30 6,250 Square Feet 0.73 14.9-Feet 5/18.9-Feet NA 1.7-Feet 11 spaces
<u>CURRENT ZONING INFORMATION:</u> ZONE: RM-1-1: multi-family residential zone DENSITY: one dwelling unit per 3,000 sq. ft. of lot area. HEIGHT LIMIT: 30-Foot maximum height limit. LOT SIZE: 6,000 square-foot minimum lot size. FLOOR AREA RATIO: 0.75 maximum. FRONT SETBACK: 15/20 feet. SIDE SETBACK: 5/8 feet. STREETSIDE SETBACK: 10 feet. REAR SETBACK: 15 feet. PARKING: 18 spaces required	<u>CONSTRUCTED:</u> R-4 One unit per 400 sq. ft. of lot area 30 6,250 Square Feet 0.73 14.9-Feet 5/18.9-Feet NA 1.7-Feet 11 spaces			
<u>ADJACENT PROPERTIES:</u>	LAND USE DESIGNATION & ZONE	EXISTING LAND USE		
	NORTH:	Commercial; CV-1-2.	Commercial	
	SOUTH:	Multi-Family Residential; RM-1-1.	Multi-Family Residential	
	EAST:	Multi-Family Residential; RM-1-1.	Multi-Family Residential	
	WEST:	Commercial; CV-1-2.	Commercial	
DEVIATIONS OR VARIANCES REQUESTED:	None			
COMMUNITY PLANNING GROUP RECOMMENDATION:	On April 26, 2006, the Pacific Beach Community Planning Committee voted to approve the request for the Tentative Map. The motion passed 13-2-0.			

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES
PERMIT INTAKE, MAIL STATION 501

WHEN RECORDED MAIL TO
PERMIT INTAKE
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 42-5278

COASTAL DEVELOPMENT PERMIT NO. 269513
835 THOMAS AVENUE TENTATIVE MAP – PROJECT NO. 84312
PLANNING COMMISSION

This Coastal Development Permit No. 269513 is granted by the Planning Commission of the City of San Diego to William G. Clarke and Joanne E. Clarke, Co-Trustees of Clarke Trust, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0702. The 0.25 acre site is located at 835 Thomas Avenue, in the RM-1-1 Zone, Coastal Overlay Zone (non-appealable), Coastal Height Limit Overlay Zone, within the Pacific Beach Community Planning Area. The project site is legally described as Lots 11 and 12, Block 262, Pacific Beach, Map Nos. 697, 854 and 932.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner /Permittee to divide an existing 11 unit apartment complex to be converted into 11 residential condominium units described and identified by size, dimension, quantity, type, and location on the approved exhibits, dated August 30, 2007, on file in the Development Services Department.

The project or facility shall include:

- a. Division of an existing two-story, 11 unit apartment complex, into 11 residential condominium units on a 6,250 square-foot property;
- b. Existing Landscaping;
- c. Existing Off-street parking facilities, eleven parking spaces;
- d. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

STANDARD REQUIREMENTS:

1. Conversion of the existing units to condominium ownership must commence and be pursued in a diligent manner within thirty-six months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within thirty-six months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder
3. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the City Manager.
4. This Permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
5. The utilization and continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. This Permit shall become effective with recordation of the corresponding final parcel map for the project site.
8. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable,

or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

ENGINEERING REQUIREMENTS:

9. The Coastal Development Permit shall comply with all conditions of the associated Tentative Map No. 266188 to the satisfaction of the City Engineer.

AFFORDABLE HOUSING REQUIREMENTS:

10. The Housing Commission carried out a tenant income survey pursuant to the City's Coastal Overlay Zone Affordable Housing Replacement Regulations (Municipal Code Sections 143.0810 through 143.0860). The Owner/Permittee is required to pay an in-lieu fee of \$142,300.00 to the Housing Commission or provide two replacement studio units for low-income households, one replacement studio unit for moderate-income households and two, one-bedroom unit for low-income households.

The applicant shall enter into a Coastal Affordable Housing Compliance Agreement with the Housing Commission prior to the approval of Final Map.

11. Prior to the recordation of the Final Map, the Owner/Permittee shall demonstrate conformance with the Municipal Code provisions for Tenant Relocation Benefits (Chapter 14, Article 4, Division 5), to the satisfaction of the City Manager and the Housing Commission.

PLANNING/DESIGN REQUIREMENTS:

12. No fewer than eleven (11) off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A," on file in the Development Services Department. Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the City Manager.

13. Any future requested amendment to this Permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.

INFORMATION ONLY:

Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code section 66020.

APPROVED by the Planning Commission of the City of San Diego on August 30, 2007, by
Resolution No. _____-PC.

PLANNING COMMISSION
RESOLUTION NO. - _____-PC
COASTAL DEVELOPMENT PERMIT NO. 269513
835 THOMAS AVENUE TENTATIVE MAP - PROJECT NO. 84312

WHEREAS, William G. Clarke and Joanne E. Clarke, Co-Trustees of Clarke Trust, Owner/Permittee, filed an application with the City of San Diego to divide an existing two-story, apartment complex with eleven dwelling unit apartments into eleven residential condominium units (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 269513, on portions of a 0.143-acre property;

WHEREAS, the project site is located at 835 Thomas Avenue, in the RM-1-1 Zone, Coastal Overlay Zone (non-appealable), Coastal Height Limitation Overlay Zone, and within the Pacific Beach Community Planning Area;

WHEREAS, the project site is legally described as Lots 11 and 12, Block 262, Pacific Beach, Map Nos. 697, 854 and 932.

WHEREAS, on August 30, 2007, the Planning Commission of the City of San Diego considered Coastal Development Permit No. 269513, pursuant to the Land Development Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego as follows:

That the Planning Commission adopts the following written Findings, dated August 30, 2007.

FINDINGS:

Coastal Development Permit - Section 126.0708

1. The proposed coastal development will not encroach upon any existing physical access way that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan; and

The 0.143-acre project site is currently developed with an existing apartment complex which includes eleven residential apartment units. The development proposes to divide the existing eleven dwelling units into residential condominiums and is located approximately three blocks from the coastline. The proposed development is existing and is contained within the existing legal lot area, which will not encroach upon any existing or proposed physical access to the coast. The project site is not located on or adjacent to an identified visual access corridor as identified within the Pacific Beach Local Coastal Program. The project site is situated along Thomas Avenue, within a developed multi

family residential neighborhood. The proposed division into condominiums met the development setbacks and height limit required at the time it was built and the proposed structure will not block any identified visual corridor.

2. The proposed coastal development will not adversely affect environmentally sensitive lands; and

The 0.143-acre project site is currently developed with a eleven dwelling unit apartment complex and does not contain environmentally sensitive lands. The environmental review, determined that the project would not have a significant environmental effect on environmentally sensitive lands and was found to be exempt from environmental review under CEQA Guidelines. The project does not propose any grading on any portion of the property and does not propose any encroachment into Environmentally Sensitive Lands.

3. The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program; and

The proposed division of the existing apartment complex with eleven dwelling units into condominium units is located on a site which has a Multi-Family Residential land use designation. During environmental review, it was determined that the project was exempt under the CEQA Guidelines. The project design was also determined to be in compliance with all of the applicable development regulations at the time it was constructed. Due to these factors the proposed condominium conversion was found to be in compliance with the City of San Diego adopted Pacific Beach Community Plan and the Progress Guide and General Plan and the certified Local Coastal Program Land Use Plan.

4. For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

The 0.143-acre site, currently developed with an existing apartment complex that includes eleven dwelling units, is located within a well developed multi family residential neighborhood. The project site is not located between the first public road and the sea or coastline. Development of the project will be fully within the private property. The project site is approximately three blocks away from the Pacific Ocean. There is no identified public access and public recreation area on or adjacent to the project site and these stated resources will not be impaired by the development of this site. The proposed condominium conversion project is designed to take access off the existing public alley, with all eleven existing off street parking spaces off the alley. The existing character and pedestrian design of the street will remain unaltered.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Coastal Development Permit No. 269513, is hereby GRANTED by the Planning

Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 269513, a copy of which is attached hereto and made a part hereof.

Glenn R. Gargas
Development Project Manager
Development Services

Adopted on: August 30, 2007

Job Order No. 42-5278

cc: Legislative Recorder, Planning Department

PLANNING COMMISSION RESOLUTION NO. ____ -PC
TENTATIVE MAP NO. 266188
835 THOMAS AVENUE TENTATIVE MAP - PROJECT NO. 84312

WHEREAS, WILLIAM G. CLARKE FAMILY TRUST, Applicant/Subdivider, and SAN DIEGO LAND SURVEYING AND ENGINEERING, INC., Engineer, submitted an application with the City of San Diego for a Tentative Map, No. 266188, for the conversion of an existing, two-story, eleven (11) residential dwelling unit apartment complex into condominiums and to waive the requirement to underground existing overhead utilities. The project site is located at 835 Thomas Avenue, on the south side of Thomas Avenue and east of Mission Boulevard, and is legally described as Lots 11 and 12, Block 262, Pacific Beach, Map Nos. 697, 854 and 932, in the RM-1-1 Zone, Coastal Overlay Zone (non-appealable), Coastal Height Limit Overlay Zone, Beach Parking Impact Overlay Zone and within the Pacific Beach Community Plan Area; and

WHEREAS, the Map proposes the subdivision of a 0.143 acre site into one (1) lot for a eleven (11) unit residential condominium conversion; and

WHEREAS, the project is exempt from environmental review pursuant to Article 19, Section 15301(k) of the California Environmental Quality Act (CEQA) on the basis that the facilities are existing; and

WHEREAS, a preliminary soils and geological reconnaissance report are waived by the City Engineering pursuant to the Subdivision Map Act and Section 144.0220 of the Municipal Code of the City of San Diego; and

WHEREAS, the subdivision is a condominium project as defined in Section 1350 et seq. of the Civil Code of the State of California and is filed pursuant to the Subdivision Map Act. The total number of condominium units is eleven (11) residential dwelling units; and

WHEREAS, on August 30, 2007, the PLANNING COMMISSION of the City of San Diego considered Tentative Map No. 266188, including the waiver of the requirement to underground existing overhead utilities, and pursuant to Sections 125.0440, 125.0444, and 144.0240 of the Municipal Code of the City of San Diego and Subdivision Map Act Section 66428; received for its consideration written and oral presentations, evidence having been submitted, and heard testimony from all interested parties at the public hearing, and the PLANNING COMMISSION having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED by the PLANNING COMMISSION of the City of San Diego, that it adopts the following findings with respect to Tentative Map No. 266188:

1. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code (Land Development Code Section 125.0440.b).

2. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources (Land Development Code Section 125.0440.h and State Map Act Section 66412.3).
3. Each of the tenants of the proposed condominium project has received, pursuant to State Map Act Section 66452.9, written notification of intention to convert at least 60 days prior to the filing of a tentative map (Land Development Code 125.0444 and State Map Act Section 66427.1(a)).
4. The project has been conditioned that the Subdivider will give each tenant and each person applying for the rental of a unit in such residential real property, all applicable notices and rights now or hereafter required by the State Map Act (Land Development Code Section 125.0444 and State Map Act Section 66427.1(a)).
5. The project has been conditioned that the Subdivider will give each tenant 10 days' written notification that an application for a public report will be, or has been, submitted to the Department of Real Estate, and that such report will be available on request (Land Development Code Section 125.0444 and State Map Act Section 66427.1(a)).
6. The project has been conditioned that the Subdivider will give each tenant of the proposed condominium project written notification within 10 days of approval of a final map for the proposed conversion (Land Development Code Section 125.0444 and State Map Act Section 66427.1(b)). If the subdivider chooses to provide affordable housing units, the subdivider shall enter into an affordable housing agreement with the Housing Commission, prior to recordation of the Final Map.
7. The project has been conditioned that the Subdivider will give each of the tenants of the proposed condominium project 180 days' written notice of intention to convert prior to termination of tenancy due to the conversion or proposed conversion (Land Development Code Section 125.0444 and State Map Act Section 66427.1(c)).
8. The project has been conditioned that the Subdivider will give each of the tenants of the proposed condominium project notice of an exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant. The right shall run for a period of not less than 90 days from the date of issuance of the subdivision public report pursuant to Section 11018.2 of the Business and Professions Code, unless the tenant gives prior written notice of his

or her intention not to exercise the right (Land Development Code Section 125.0444 and State Map Act Section 66427.1(d)).

9. The project was not financed by funds obtained from a governmental agency to provide for elderly, disabled, or low income housing (Land Development Code Section 125.0444.b).
10. For any project that was developed to provide housing for the elderly, disabled or to provide low income housing, provisions have been made to perpetuate the use for which the project was developed (Land Development Code Section 125.0444.c).
11. Each of the tenants of the proposed condominium project has received written notification of the project application for the condominium conversion at least 10 days after the application was deemed complete (Land Development Code 125.0431(a)(3)).
12. The project has been conditioned that the subdivider will give each person applying for the rental of a unit in such residential real property written notification that the project application for the condominium conversion was deemed complete (Land Development Code 125.0431(a)(3)).
13. The project has been conditioned that the subdivider will give each tenant a notice of termination of tenancy 60 days prior to being required to vacate the property. (Land Development Code Section 125.0431(a)(4)).
14. The project has been conditioned that the subdivider will provide a relocation assistance payment to all tenants of the project whose tenancy has terminated due to the condominium conversion. (Land Development Code Section 144.0505).
15. The project has been conditioned for the subdivider to satisfy the inclusionary housing requirements in accordance with Land Development Code Section 142.1306. (Land Development Code Section 144.0508).
16. The requested underground waiver of the existing overhead facilities, qualifies under the guidelines of Council Policy No. 600-25 *Underground Conversion of Utility Lines at Developers Expense* in that:
 - A. The conversion involves a short span of overhead facility (less than 600 feet in length).
 - B. The conversion is a requirement of a condominium conversion of an existing development and the conversion would not represent a logical extension to an underground facility.

17. That said Findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED that, based on the Findings hereinbefore adopted by the PLANNING COMMISSION, Tentative Map No. 266188, including the waiver of the requirement to underground existing overhead utilities, is hereby granted to William G. Clarke, Applicant/Subdivider, subject to the following conditions:

GENERAL

1. This Tentative Map will expire August 30, 2010.
2. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
3. Prior to the Tentative Map expiration date, a Final Map to consolidate the existing lots into one lot shall be recorded in the Office of the County Recorder.
4. The Final Map shall conform to the provisions of Coastal Development Permit No. 269513.
5. The applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, including, but not limited to, any to any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify applicant of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, applicant shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the applicant shall not be required to pay or perform any settlement unless such settlement is approved by applicant

6. The subdivider shall provide a Notice of Tenants Rights and Notices for Condominium Conversion, consistent with the Land Development Manual to be provided as follows:
 - a. For existing tenants, within 10 days of the project application for the *condominium conversion* being deemed complete; or
 - b. For prospective tenants, upon application for the rental of a unit in the proposed *condominium conversion*.
7. The Subdivider shall provide each tenant, and each person applying for the rental of a unit in such residential real property, all applicable notices and rights now or hereafter required by the State Map Act.
8. The Subdivider shall provide the tenants a Notice of Application for a Public Report at least 10 days prior to the submittal to the Department of Real Estate (DRB), pursuant to Section 66427.1(a) of the Subdivision Map Act.
9. The Subdivider shall provide each of the tenants of the proposed condominiums written notice of intention to convert at least 180 days prior to termination of tenancy due to the conversion or proposed conversion in conformance with Section 66427.1(c) of the Subdivision Map Act. The provisions of this subdivision shall not alter nor abridge the rights or obligations of the parties in performance of their covenants, including, but not limited to, the provision of services, payment of rent, or the obligations imposed by Sections 1941, 1941.1 and 1941.2 of the Civil Code.
10. The Subdivider shall provide each of the tenants of the proposed condominiums notification of their exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant, in conformance with Section 66427.1(d) of the State Map Act. The right shall run for a period of not less than 90 days from the date of issuance of the subdivision public report, pursuant to Section 11018.2 of the Business and Professions Code, unless the tenant gives prior written notice of his or her intention not to exercise the right.
11. The Subdivider shall provide the tenants of the proposed condominiums with written notification within 10 days or approval of a Final Map for the proposed conversion, in conformance with Section 66427.1(b) of the Subdivision Map Act.
12. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.

13. Prior to recordation of the Final Map, all onsite utilities serving the subdivision shall be undergrounded with appropriate permits. The applicant shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
14. The Subdivider shall provide each tenant, and each person applying for the rental of a unit in such residential real property, all applicable notices and rights now or hereafter required by the State Map Act.
15. The Subdivider shall provide the tenants a Notice of Application for a Public Report at least 10 days prior to the submittal to the Department of Real Estate (DRB), pursuant to Section 66427.1(a) of the Subdivision Map Act.
16. The Subdivider shall provide each of the tenants of the proposed condominiums written notice of intention to convert at least 180 days prior to termination of tenancy due to the conversion or proposed conversion in conformance with Section 66427.1(c) of the Subdivision Map Act. The provisions of this subdivision shall not alter nor abridge the rights or obligations of the parties in performance of their covenants, including, but not limited to, the provision of services, payment of rent, or the obligations imposed by Sections 1941, 1941.1 and 1941.2 of the Civil Code.
17. The Subdivider shall provide each of the tenants of the proposed condominiums notification of their exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant, in conformance with Section 66427.1(d) of the State Map Act. The right shall run for a period of not less than 90 days from the date of issuance of the subdivision public report, pursuant to Section 11018.2 of the Business and Professions Code, unless the tenant gives prior written notice of his or her intention not to exercise the right.
18. The Subdivider shall provide the tenants of the proposed condominiums with written notification within 10 days or approval of a Final Map for the proposed conversion, in conformance with Section 66427.1(b) of the Subdivision Map Act.

AFFORDABLE HOUSING

19. The Housing Commission carried out a tenant income survey pursuant to the City's Coastal Overlay Zone Affordable Housing Replacement Regulations (Municipal Code Sections 143.0810 through 143.0860). The applicant is required to pay an in-lieu fee of \$142,300.00 to the Housing Commission or provide two replacement studio units for low-income households, one

replacement studio unit for moderate-income households and two, one-bedroom unit for low-income households.

The applicant shall enter into a Coastal Affordable Housing Compliance Agreement with the Housing Commission prior to the approval of Final Map.

20. Prior to the recordation of the Final Map, the subdivider shall demonstrate conformance with the Municipal Code provisions for Tenant Relocation Benefits (Chapter 14, Article 4, Division 5), to the satisfaction of the City Manager and the Housing Commission.

ENGINEERING

21. The Final Map shall comply with the provisions of Coastal Development Permit No. 269513.
22. At the intersection of the two existing alleys at the southwest corner of the property, the subdivider shall dedicate a triangular area at the corner, 16 feet on each side, and shall be improved and included in the right-of-way.
23. Whenever street rights-of-way are required to be dedicated, it is the responsibility of the subdivider to provide the right-of-way free and clear of all encumbrances and prior easements. The subdivider must secure "subordination agreements" for minor distribution facilities and/or "joint-use agreements" for major transmission facilities.
24. The subdivider shall reconstruct the existing pedestrian ramp on the west side of the west alley, and construct a new pedestrian on the east side of the west alley, adjacent to the site on Thomas Avenue at the alley entrance, with current City Standard Drawing SDG-136 with truncated domes.
25. The subdivider shall repair the damaged sidewalk, maintaining the existing sidewalk scoring pattern, adjacent to the site on Thomas Avenue.
26. This project shall comply with all current street lighting standards according to the City of San Diego Street Design Manual (Document No. 297376, filed November 25, 2002) and the amendment to Council Policy 200-18 approved by City Council on February 26, 2002 (Resolution R-296141) satisfactory to the City Engineer. This may require (but not be limited to) installation of new street light(s), upgrading light from low pressure to high pressure sodium vapor and/or upgrading wattage.
27. The subdivider shall ensure that all onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The subdivider shall provide written confirmation from applicable utilities that the conversion has

taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.

MAPPING

27. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source will be the California Coordinate System, Zone 6, North American Datum of 1983 (NAD 83).
28. "California Coordinate System means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."
29. Every Final Map shall:
 - a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.
 - b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of Third Order accuracy or better. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.
30. The design of the subdivision shall include private easements, if any, serving parcels of land outside the subdivision boundary or such easements must be removed from the title of the subdivided lands prior to filing any parcel or final map encumbered by these easements.

SEWER AND WATER

31. Water and Sewer Requirements:
 - a. The subdivider shall install appropriate private back flow prevention devices on all existing and proposed water services (domestic, irrigation, and fire) adjacent to the project site in a manner satisfactory to the Water Department Director.

- b. The subdivider shall provide a letter, agreeing to prepare CC&Rs for the operation and maintenance of all private water and sewer facilities that serve or traverse more than a single condominium unit or lot.

INFORMATION:

- The approval of this Tentative Map by the Planning Commission of the City of San Diego does not authorize the subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC Section 1531 et seq.).
- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), then the subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- Subsequent applications related to this Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party, on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Tentative Map, may protest the imposition within 90 days of the approval of this Tentative Map by filing a written protest with the City Clerk pursuant to California Government Code Section 66020.

PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF SAN DIEGO, CALIFORNIA, ON AUGUST 30, 2007, BY RESOLUTION NO. ____ - PC.

By

Glenn R. Gargas
Development Project Manager
Development Services Department

Job Order No. 42-5278

Rev 3/7/05 dcj

PACIFIC BEACH COMMUNITY PLANNING COMMITTEE
April 26, 2006 Meeting Minutes

Members Present:

Katie Cooper	Chris Fuller	Jim Lester	Mark Mitchell
Jim Morrison	Ben Nicholls	Marcie Beckett	Catherine Strolein
Barry Schneider	Kathy Evans	William Heilmann	John Shannon
Jenton Price	Carol Blomstrom	Kathy Mateer	

Call to Order, Quorum, Minutes, and Agenda

The meeting was called to order at 6:30 PM. A quorum was established.

- Motion (C. Strolein/ J. Lester): approve minutes for March 22nd meeting. Motion carried with all in favor.

Residential subcommittee Item number 9, referring to 825 Missouri Street was continued.

- Motion (B. Schneider/ C. Strolein): adopt revised agenda. The motion passed unanimously.

Communications from the Public (non agenda items): None

Government Office Reports

A. Stanley from Council District 2 reported that the Beach Area Community Court hosted its first Impact Panel Volunteer Training on 4/ 25. She reported that the first court session would occur on 5/13. She solicited volunteers. She reported on city activities during the PB Block Party date. She also reported that a community cleanup day would occur on 4/29 and that Councilmember Fauconer would attend. She answered several questions regarding directional painting on the boardwalk and the status of the lifeguard tower.

City Planner- Marion Panglilan:

M. Panglilan reported that a training was occurring for new committee members on 4/29. There was some discussion regarding which committee members had taken the trainings.

Chair's Report – Mark Mitchell:

M. Mitchell conducted the officer elections.

- Motion: (C. Blomstrom/ C. Strolein): Elect M. Mitchell as PBCPC Chair. The motion was endorsed by all members.
- Motion: (C. Blomstrom/ B. Schneider): Elect C. Strolein as PBCPC vice Chair. The motion was endorsed by all.
- Motion: (C. Blomstrom/ K. Mateer): Elect B. Nicholls as Recording Secretary. The motion was endorsed by all.

M. Mitchell reported that anyone interested in appointed positions communicate their interest to him for appointment at the next meeting.

B. Nicholls reported that J. Shannon had not received sufficient votes during the election to be seated. Subsequently another application had been received for that slot.

- Motion (C. Blomstrom/ B. Schneider): To receive J. Shannon's application for vacant residential 80.01 board position. The motion passed with all in favor.

Residential Subcommittee Report – Barry Schneider:

1. 1333 Reed Avenue #85426 CDP to construct a two story garage and workshop.

The subcommittee had expressed a desire that the two structures be tied together stylistically and the group expressed concern that the 'workshop' would become an illegal bedroom over time.

- Motion (B. Schneider/ M. Beckett): approve the project with the condition that the bathroom facilities be limited to those shown in the plan. The motion passed unanimously.

- 2. 1501 Chalcedony Street #90566 CDP and TMW to convert 4 existing residential units to condominiums. &**
- 3. 1509 Chalcedony Street #90571 CDP and TMW to convert 4 existing residential units to condominiums.**

The subcommittee had reported issues regarding providing additional parking. However it was reported by the applicant that adding another parking space within the project would result in the loss of one on the street. The committee's concerns regarding the location of trashcans were pacified when the applicant illustrated the location of a trash enclosures.

- Motion (B. Schneider/ Jim Lester): approve the project providing the trash enclosures illustrated were included. The motion passed(14 /1):.

4. 1117 Feldspar Street #94366 CDP & TM to create 4 residential condominiums under construction. & 5. 1125 Feldspar Street #94859 CDP & TM to create 4 residential condominiums under construction.

The subcommittee expressed a concern about cedar wood fencing.

- Motion (B. Schneider /J. Lester): approve the project with the condition that a three foot iron fence be included as discussed. The motion carried (14 /1):.

6. 1244 Oliver Ave. #81316 CDP and TM to convert 9 existing residential units to condominiums.

The subcommittee discussion had centered on concerns about the trash enclosure.

- Motion (B. Schneider/ J. Lester): approve the project with the stipulation that the trash enclosures be included. The motion carried with all hands in favor.

7. 901 Sapphire Street #84320 CDP and TM to convert 10 existing residential units to condominiums.

The subcommittee reported that the map needed to be updated to illustrate trash enclosures and corrected unit counts.

- Motion (B. Schneider/ C. Strolein): was made to approve the project. The motion carried (14 /1):.

8. 835 Thomas Ave. #84312 CDP and TM to convert 11 existing residential units to condominiums.

The subcommittee reported that the 11th parking space should be reconfigured to better accept access for emergency vehicles and that trash enclosures should be clearly called out.

- Motion (B. Schneider/ J. Lester): was made to approve the project. The motion carried (13 / 2):.

The Residential Subcommittee report concluded.

Commercial Subcommittee report – B. Nicholls

1. 4767 Missouri Street #94959 add 3 wireless antennas and equipment to an existing rooftop penthouse.

The correct address for this project was reported as 4767 Ocean Blvd.

- Motion (B. Nicholls/ C. Blomstrom): Endorse the project. The motion carried (14/1):.

2. 2088 Beryl Street #95949 NUP for two new 30 feet high light standards supporting antennas

The subcommittee reported that a discussion had occurred regarding the proximity of radio towers to a school and whether the tower should be painted to match the surrounding tree or be designed to look like a tree.

- Motion (B. Nicholls/ C. Blomstrom): Endorse the project with the stipulation that the tower simply be painted to look like a tree. The motion carried (10/5):.

3. 4105 Mission Blvd. #41256 CDP to demolish existing building and construct 18 residential units over commercial (resubmittal):.

M. Beckett reported that the project was moving forward and that input was required for a Negative Mitigated Declaration. She stated that the project would reach the Planning Commission in June. M. Beckett summarized the previous objections to the project.

- Motion (M. Beckett/ C. Blomstrom): "The chair is authorized to send a written response to the NMD for #41256 that will convey previously established concerns of the project and a representative shall be sent to all public hearings to convey the committee position regarding said project ". The motion passed with all in favor.

4. 2830 Grand Ave. #4977 – Convenience Store with application for liquor license.

It was reported that this project was moving forward and that the opinion of the committee was being misrepresented. The previous vote of support for this project had been based on no alcohol use being included. The project now included alcohol sales. A Strolein gave an enthusiastic presentation regarding this project.

- Motion (Jim Lester/ B. Schneider): Reconsider the project. The motion carried with all hands in favor.



City of San Diego
Development Services
1222 First Ave., MS-302
San Diego, CA 92101
(619) 446-5000

Ownership Disclosure Statement

Approval Type: Check appropriate box for type of approval (s) requested: ☐ Neighborhood Use Permit ☐ Coastal Development Permit
☐ Neighborhood Development Permit ☐ Site Development Permit ☐ Planned Development Permit ☐ Conditional Use Permit
☐ Variance ☐ Tentative Map ☐ Vesting Tentative Map ☐ Map Waiver ☐ Land Use Plan Amendment ☐ Other _____

Project Title

Project No. For City Use Only

835 Thomas Ave. Condominium Conversion

Project Address:

835 Thomas Ave.

Part I - To be completed when property is held by individual(s)

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property, with the intent to record an encumbrance against the property. Please list below the owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached ☐ Yes ☒ No

Name of Individual (type or print):

WILLIAM G. CLARKE

☒ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

13945 PROCTOR VALLEY RD.

City/State/Zip:

JAMUL CA, 91935

Phone No:

619 669 1706, 619 669 1315

Signature:

William G. Clarke 7-11-05

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature:

Date:

Name of Individual (type or print):

JOANE E. CLARKE

☒ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

13945 PROCTOR VALLEY RD.

City/State/Zip:

JAMUL CA, 91935

Phone No:

619 669 1706, 619 669 1315

Signature:

Joane E. Clarke 7-11-05

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature:

Date:

NOTE #1 OWNERS ARE CO-TRUSTEES OF THE CLARKE TRUST DATED NOV. 12, 1991

NOTE #2 ALL MAIL SHALL BE SENT TO P.O. Box 549 JAMUL CA, 91935

**835 THOMAS AVENUE TENTATIVE MAP
COASTAL DEVELOPMENT PERMIT & TENTATIVE MAP**

**Project No. 84312
Project Chronology**

Date	Action	Description	City Review Time	Applicant Response
9/28/05	Applicant submits initial plans/Deemed Complete	Project plans distributed for City staff review.	1 day	
11/07/05	First Assessment Letter	First Assessment Letter identifying required approvals and outstanding issues provided to applicant.	1 Month 9 days	
1/23/06	Applicant submits second full set of plans.	Applicant's revised set of plans submitted in response to first assessment letter from City staff.		3 Months 6 days
03/28/06	Second Assessment Letter	Second Assessment Letter identifying all remaining/outstanding issues.	2 Month 5 days	
2/22/07	Issues resolved	Staff determines project issues resolved, okay Process 4 Planning Commission hearing to proceed.		9 Months 24 days
08/30/07	Planning Commission Hearing	Public Hearing	6 Month 8 days	
TOTAL STAFF TIME		Averaged at 30 days per month	9 Months 22 Days	
TOTAL APPLICANT TIME		Averaged at 30 days per month		13 Months 0 Days
TOTAL PROJECT RUNNING TIME			22 Months, 22 Days	



Good Neighbors

San Diego
Housing Commission

- 1625 New **ATTACHMENT 12**
- San Diego, California 92113-1038
- 619/578-7580
- FAX: 619/578-7356
- www.sdhc.net

January 30, 2007

Mr. William Clarke
P.O. Box 549
Jamul, CA 91935

SUBJECT: Coastal Affordable Housing Compliance Permit, 835 Thomas Avenue,
PTS #84312

Dear Mr. Clarke:

The purpose of this letter is to notify you of the Coastal Affordable Housing Compliance Permit Determination for your proposed conversion of eleven apartments to condominiums at 835 Thomas Avenue.

Upon receipt of your application, Housing Commission staff carried out an income survey of the eleven units. The tenant income survey identified **two studios and two one-bedroom units occupied by low-income persons and one studio occupied by moderate-income persons.**

Pursuant to the City's Coastal Overlay Zone Affordable Housing Replacement Regulations (Municipal Code Sections 143.0810 through 143.0860), we are notifying you of the results of this tenant income survey and your obligation to provide two studios and two one-bedroom replacement units with rents affordable to low-income households and one studio with rents affordable to moderate-income households for a period of five years. Alternatively, you may pay an in-lieu fee to the Housing Commission.

If you propose to provide replacement units, those units must be acceptable to the Housing Commission, consistent with the Municipal Code sections cited above. Affordable housing costs and affordable rents shall meet the requirements of California Health and Safety Code Sections 50052.5 and 50053.

If you propose instead to pay an in-lieu fee, your obligation under the current in-lieu fee schedule would be as follows:

Unit Size	Income Category	Number of Replacement Units	In-Lieu Fee	Total
Studio	Low-income	2	\$31,100	\$62,200
Studio	Moderate-Income	1	\$20,700	\$20,700
One-Bedroom	Low-income	2	\$29,700	\$59,400
TOTAL		5		\$142,300



000763

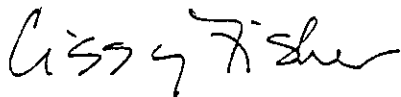
Mr. William Clarke
January 30, 2007
Page 2

ATTACHMENT 12

Please note that the in-lieu fee schedule is subject to change, and the amount you would be required to pay will depend on the fee schedule in place at the time the Coastal in-lieu fee is due and payable.

When you have decided whether to provide replacement units or to pay the in-lieu fee, please notify Ms. Ann Kern of your decision **in writing**. She can be reached at 619-578-7582 or via e-mail at annk@sdhc.org

Sincerely,

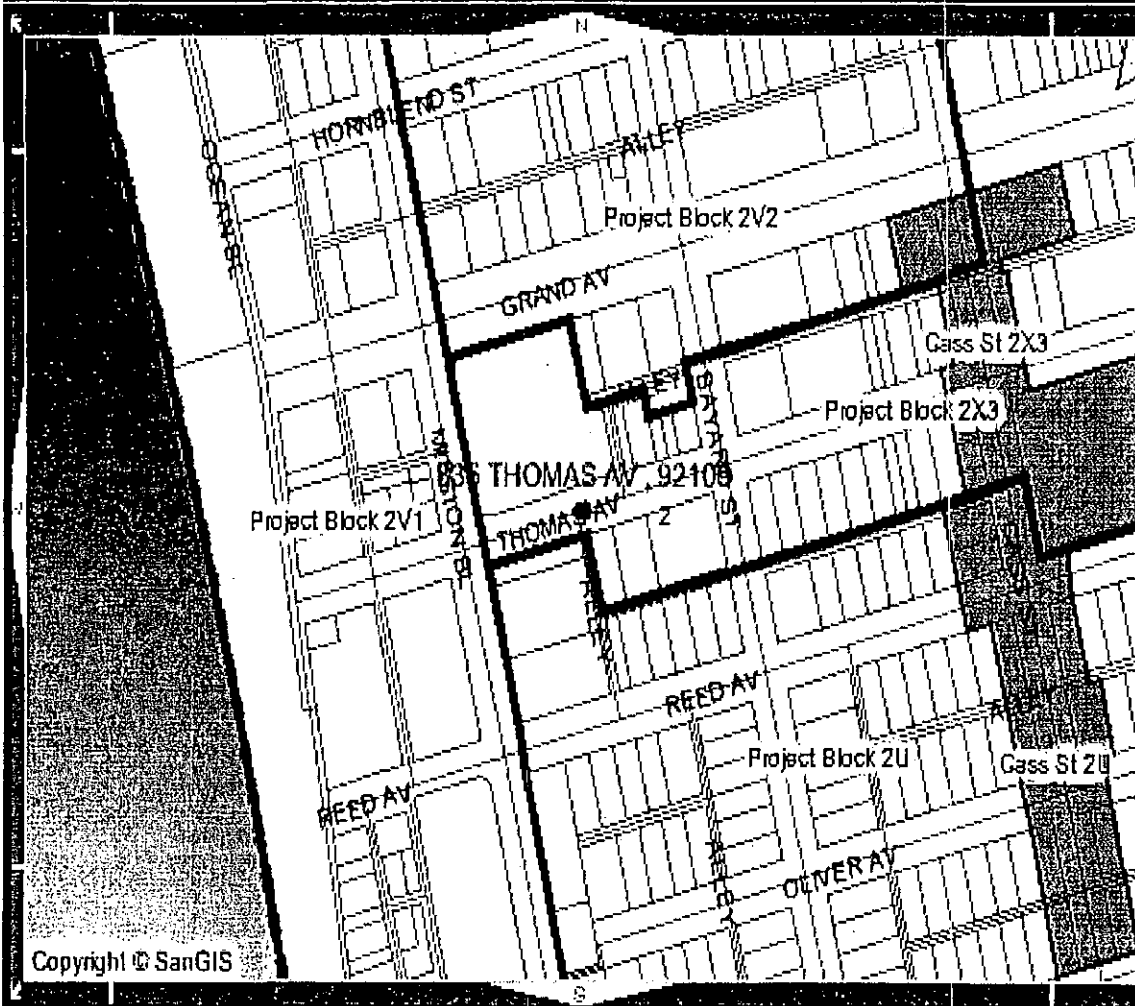


Cissy Fisher
Director, Housing Finance & Development

c: Ann Kern, San Diego Housing Commission
Glenn Gargas, City of San Diego Development Services, MS501
Robert Bateman, San Diego Land Surveying & Engineering

g:\hfshare\coastal\835 Thomas Avenue \835 Thomas Determination Ltr

Utilities Undergrounding Mapping Application



Identify Results

Council Districts

Council District: 2

Member Name: Kevin Faulconer

Office Phone: (619) 236-6622

Utilities Undergrounding

Projects

Project Name: Project Block 2X3

Year Allocated: 2041

Project Start: May 31, 2043

Project End: May 30, 2045

Contact Person: Carol Drummond

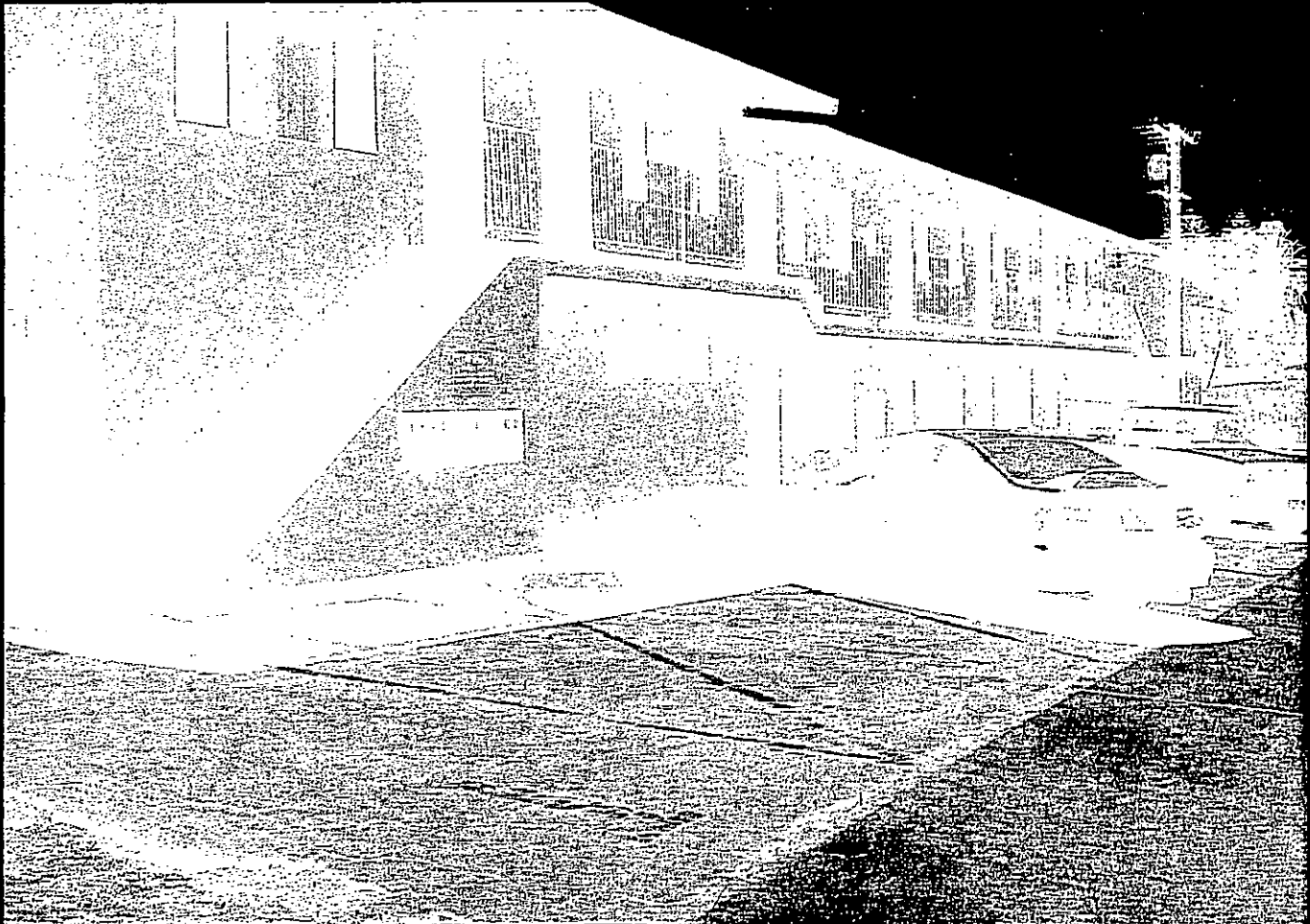
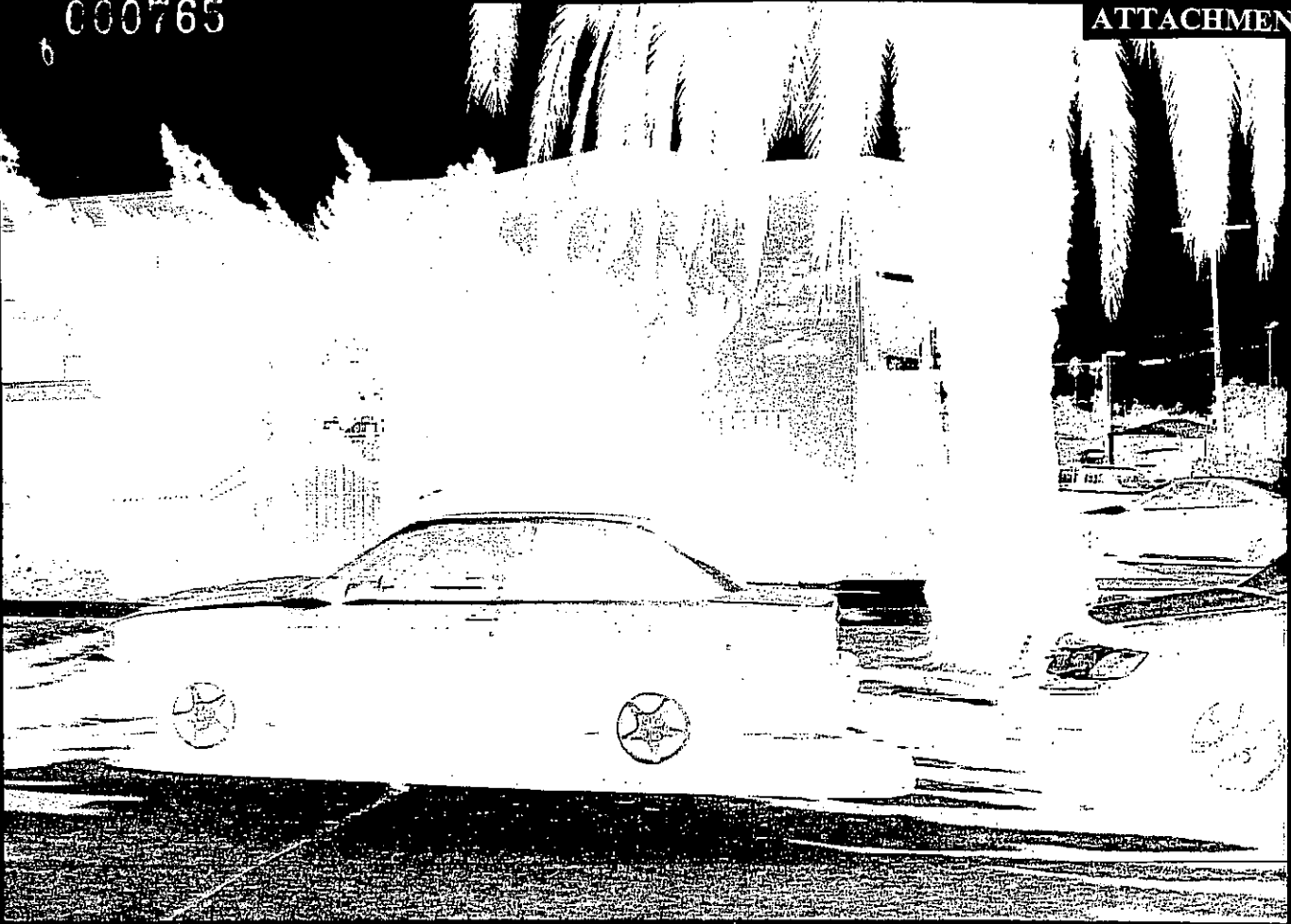
Phone #: 6195333841

Email: undergrounding@sa

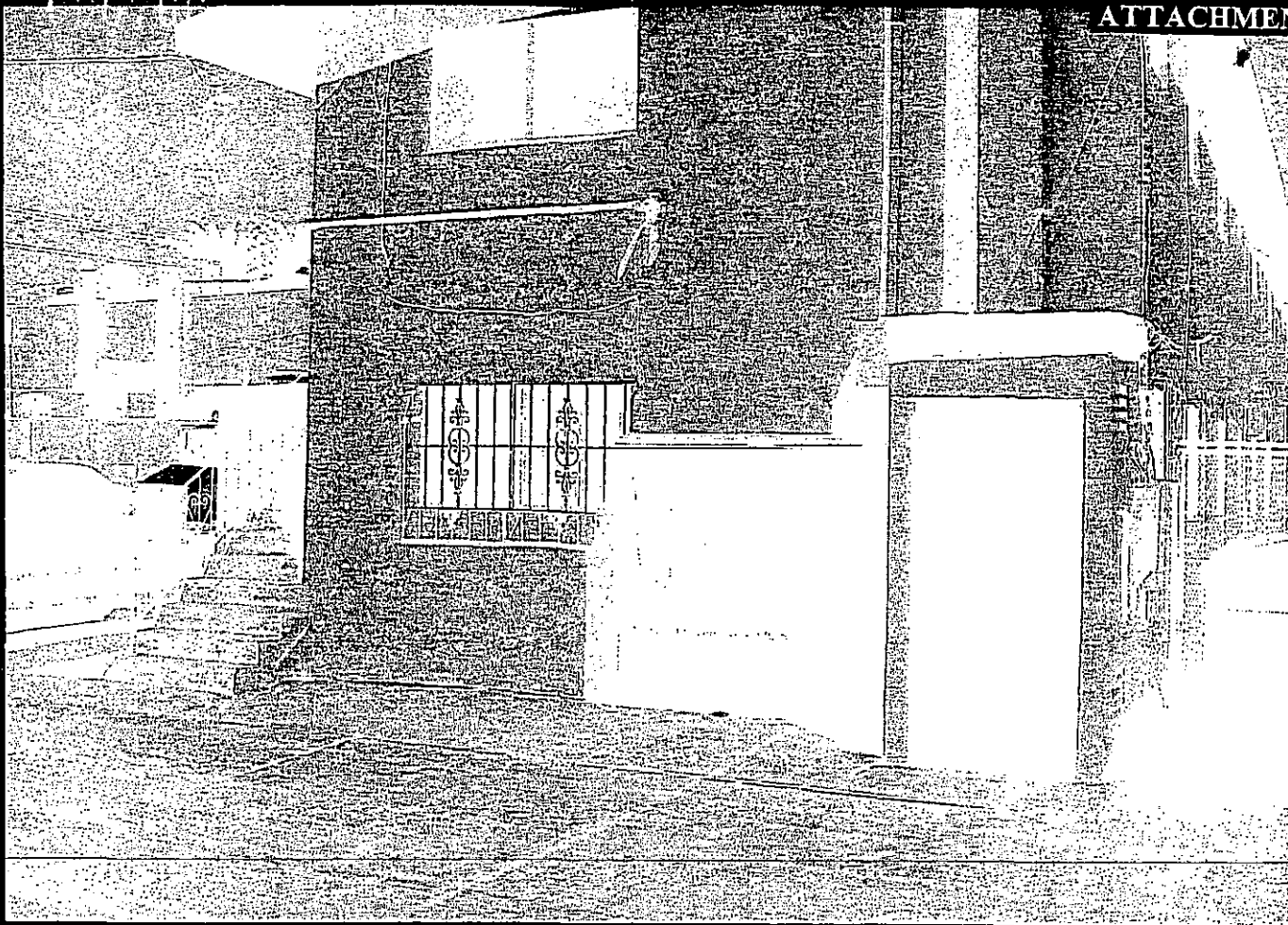
Website: www.sandiego.gov

Council District: 2

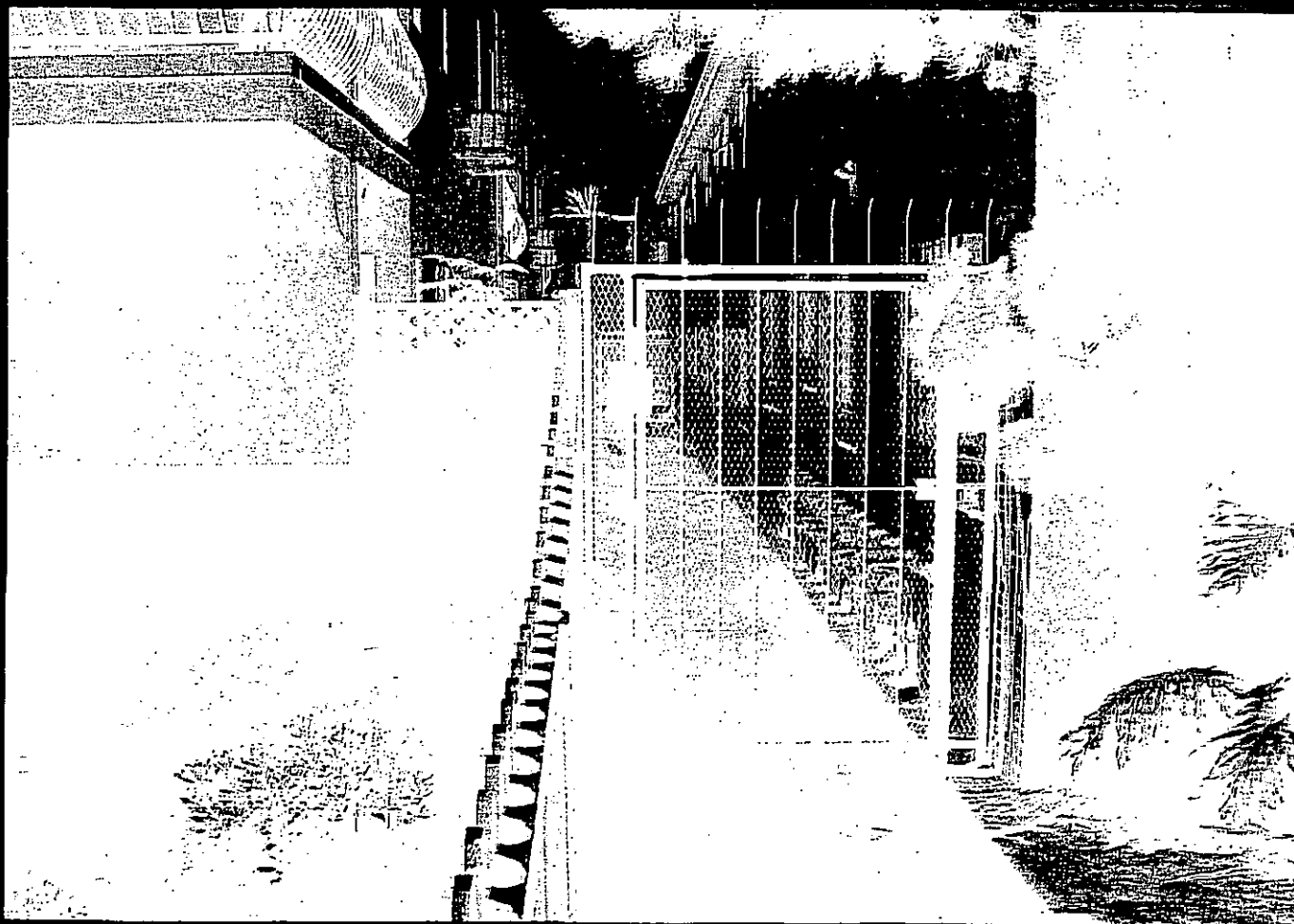
Phase: unallocated



2



5



6

**PLANNING COMMISSION OF THE CITY OF SAN DIEGO
MINUTES OF REGULAR SCHEDULED MEETING OF
AUGUST 30, 2007
IN CITY COUNCIL CHAMBERS - 12TH FLOOR
CITY ADMINISTRATION BUILDING**

CHRONOLOGY OF THE MEETING:

Chairperson Schultz called the meeting to order at 9:06 a.m. Chairperson Schultz adjourned the meeting at 12:31 p.m.

ATTENDANCE DURING THE MEETING:

Chairperson Barry Schultz-present
Vice-Chairperson Kathleen Garcia- Not present
Commissioner Robert Griswold- present
Commissioner Gil Ontai-present
Commissioner Dennis Otsuji- present
Commissioner Eric Naslund- present
Commissioner Mike Smiley – present

Mary Wright, Planning Department – present
Mike Westlake, Development Services-present
Andrea Dixon, City Attorney- present
Sabrina Curtin, Recorder-present

ITEM-7: *Continued from July 12, 2007:*

835 THOMAS AVENUE TENTATIVE MAP - PROJECT NO. 84312

City Council District: 2 Plan Area: Pacific Beach

Staff: Glenn Gargas

Speaker slips submitted in favor by Robert Bateman and William Clarke.

No one present to speak in opposition.

COMMISSION ACTION:

MOTION BY COMMISSIONER NASLUND TO APPROVE COASTAL DEVELOPMENT PERMIT NO. 269513; AND APPROVE TENTATIVE MAP NO. 266188 AND REQUEST TO WAIVE THE REQUIREMENT TO UNDERGROUND EXISTING OVERHEAD UTILITIES AS PRESENTED IN REPORT NO. PC-07-095, WITH THE ADDED CONDITIONS:

PRIOR TO RECORDING A FINAL MAP, THE SUBDIVIDER SHALL SUBMIT LANDSCAPE PLANTING AND IRRIGATION PLANS DEMONSTRATING LANDSCAPE UPGRADES TO THE PROPERTY.

PRIOR TO RECORDING A FINAL MAP, THE SUBDIVIDER SHALL PROVIDE AN INDEPENDENT EVALUATION PREPARED IN ACCORDANCE WITH THE STATE OF CALIFORNIA BUSINESS & PROFESSIONS CODE INCLUDING SECTION 7195) OF THE EXISTING CONDITIONS OF THE BUILDING TO THE SATISFACTION OF THE CITY MANAGER. THIS INFORMATION SHALL INCLUDE, BUT NOT BE LIMITED TO THE STRUCTURAL INTEGRITY; MECHANICAL; ELECTRICAL; AND PLUMBING SYSTEMS OF THE BUILDING. THE APPLICANT SHALL PROVIDE PROOF OF COMPLIANCE OR OTHER MEANS TO ASSURE ANY RECOMMENDATIONS TO REPAIR OR REPLACE THOSE SYSTEMS TO THE SATISFACTION OF THE CITY MANAGER.

Second by Commissioner Otsuji. Passed by a vote of 5-1-1 with Commissioner Griswold voting nay and Vice-Chairperson Garcia not present. Resolution No. PC-4295

ITEM-8: *Continued from July 12, 2007:*

1244 OLIVER TENTATIVE MAP - PROJECT NO. 81316

City Council District: 2 Plan Area: Pacific Beach

COMMISSION ACTION:

MOTION BY COMMISSIONER NASLUND TO CONTINUE TO SEPTEMBER 27, 2007 TO ALLOW THE APPLICANT MORE TIME TO PROVIDE ADEQUATE INFORMATION TO THE COMMISSION.

Second by Commissioner Ontai.

Passed by a 6-0-1 vote with Vice-Chairperson Garcia not present.



**Building Condition Report
Analysis and Executive Summary
July 10, 2007
Version 1**

The subject property is a residential complex located at 835 Thomas San Diego, Ca 92109. The development consists of one, two level building with eleven total living units, and eleven marked uncovered parking spaces,

This report consists of three sections, the analysis and executive summary section, the licensed building inspectors detailed findings and photographs and the structural engineers report and findings.

Detailed inspections and reports were performed by Edward J. Vargas, State of California Registered Professional Engineer, C41205, and Mike Goodrich State Of Arizona Certified Inspector, Certified Termite Inspector and Certified Residential Mold Inspector.

Every attempt has been made to ensure that the inspection and this report comply with the City Of San Diego Condominium Conversion Process Building Condition Report Ordinance. All units were inspected.

Executive Summary

The buildings, systems and grounds in this development are aged, and have some deferred maintenance. Some system upgrades are warranted but in general the development is in satisfactory condition. This development can easily be rehabilitated and converted to condominiums/living units consistent with the neighborhood's general construction quality, amenities and architectural style.



Integral Building Components Health And Safety Code Analysis

Foundation And Structure:

The buildings foundations and structures are aged but in good condition relative to their age. The lateral and vertical support members are in adequate condition.

The buildings stairs, railings, baluster, and banisters are in satisfactory condition.

Walls And Exterior Components:

Walls and exterior components are generally in satisfactory condition with normal stucco maintenance, termite damage and wood rot repairs needed.

Windows:

All windows are functional. Some windows will need height adjustment to provide adequate fire egress in sleeping areas. The windows are aged and loose in their frames replacement for age is recommended. This building uses single pane aluminum frame windows which do not meet Title 24 energy efficiency standards for this zone. All windows should be replaced with insulated dual pane windows as part of the conversion plan.

Roofs:

The roof covering is asphalt shingle roofing material. The roofing material have an apparent age of 15 – 20 years old.

The roof will need to be replaced to have a life expectancy greater than five years.

Electrical:

The electrical system does not make complete use of currently accepted safety components (GFCIs and AFCIs). The electrical system should be upgraded to include appropriate use of currently approved electrical distribution safety devices (GFCI outlets and AFCI breakers) in all locations currently required by municipal building codes. The main building is supplied by one 100 amp service and each unit has a 35 amp service. The 35 amp services will be undersized for the needs of upgraded condominiums, and will need to be upgraded to 60 to 100 amp services (depending on planned unit amenities). The upgrades to the unit service rating will require upgrades to the sizing of the 100 amp main service to the complex.

The building and living units do not meet current municipal residential building guidelines in regards to number, location, interconnection and installation of smoke detectors. Smoke detector system upgrades are required.

**Plumbing:**

The natural gas supply system does not include emergency manual or automatic seismic shutoff valves. As a minimum a manual emergency seismic shutoff valve/wrench should be installed.

The water supply plumbing is copper and appears to be in adequate condition.

Mechanical:

Living units are not equipped with cooling systems.

Living units are equipped with approximately 10 to 20 year old gas wall furnaces. About eight of these units will need to be replaced to have a remaining useful life in excess of five years.

Paving And Drainage:

The asphalt drives are in adequate condition. Drives need to be patched, resurfaced and restriped. Walks are worn and in need of crack sealing and resurfacing. With repairs, crack patching, sealing and resurfacing the asphalt and concrete drives and walks will have a remaining useful in excess of five years.

Parking And Recreational Facilities Analysis:

Landscaping is consistent with the neighborhood. Eleven (11) marked uncovered spaces are provided at the West side of the building. No recreational facilities are provided.

Energy Efficiency Standards Compliance Analysis:

Due to the age and construction style using non-invasive inspection techniques it was impossible to determine certain aspects of energy efficiency (wall insulation R factor for example). Windows do not currently meet the Title 24 energy efficiency standards for the zone. There is no attic insulation. The following recommendations are made:

1. Windows should be replaced with windows meeting Title 24 energy efficiency standards for this zone.
2. Insulation and a vapor barrier should be added to the attic consistent with current municipal standards.



Integral Building Components Remaining Useful Life Analysis:

Roofs:

The main roof is approximately 15 to 20 years old. And will need to be replaced to have a remaining useful life in excess of five years.

Water Heating:

Water heating is provided by a common 100 gallon gas water heater. The water heater is nearly ten years old. Normal water heater life expectancy is 8 to 12 years. The water heater will need to be replaced to obtain a useful life in excess of five years

Cooling And Heating Mechanical:

The natural convection gas wall furnaces are approximately ten to twenty years old. About eight units will need to be replaced to have a remaining useful life in excess of five years.

Exterior Floor Coatings:

Exterior walks, balconies and stair treads are finished concrete. Exterior concrete is in a worn condition but with minor crack filling and resurfacing the exterior floor coatings will have a remaining useful life in excess of five (5) years.

Foundation And Structure:

The buildings foundations and structures are aged but in good condition relative to their age. The lateral and vertical support members are in adequate condition. The buildings stairs, railings, baluster, and banisters are in satisfactory condition. All these components have a remaining useful life well in excess of five years.

Disabled Access Analysis:

One unit has a wheel chair ramp. No other provisions for disabled access are currently available in this project. No ADA parking spaces are provided.

Sound Transmission Analysis:

This building does not meet the current municipal sound transmission standards.

**Actions To Ensure Safe And Efficient Operation Of Plumbing, Heating, Electrical and Roofing Systems:**

Developer intends to take the following actions in regards to the future safe and efficient operation of these important major building systems:

1. Upgrade electrical system to include installation of GFCIs and AFCIs in all required locations.
2. Upgrade unit and complex electrical services to meet the needs of modern condominium appliances.
3. Smoke detectors will be upgraded and installed consistent with current municipal residential building guidelines. This includes 120VAC, battery backed up and interconnected with all other smoke detectors in the building.
4. A manual seismic emergency shutoff will be installed in the natural gas supply system.
5. Aged water heater will be replaced.
6. Windows will be replaced with dual pane insulated windows.
7. Aged wall furnaces will be replaced.

Proposed Structural Changes And Cosmetic Improvements:

There are no planned general structural or façade enhancements.

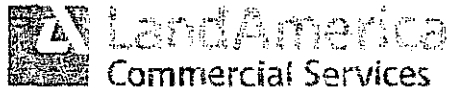


Report Approval:

**Executive Summary, Structural Report And Detailed Inspection Report
Reviewed And Approved:**

Edward J. Vargas
President Vargas Engineers
State Of California Licensed P.E. C41205

Michael P. Goodrich
Professional Associate
LandAmerica Assessment Corporation
ASHI Certified Home Inspector
State Of Arizona Certified Home Inspector
State Of Arizona Certified Wood Destroying Insect Inspector
IESO Certified Residential Mold Inspector

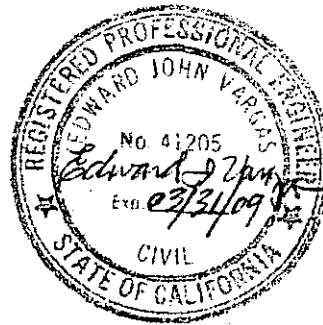


Report Approval:

**Executive Summary, Structural Report And Detailed Inspection Report
Reviewed And Approved:**

Edward J. Vargas

Edward J. Vargas
President Vargas Engineers
State Of California Licensed P.E. C41205



Michael P. Goodrich
Professional Associate
LandAmerica Assessment Corporation
ASHI Certified Home Inspector
State Of Arizona Certified Home Inspector
State Of Arizona Certified Wood Destroying Insect Inspector
IESO Certified Residential Mold Inspector



Appendix A

Opinions of Probable Costs to Remedy Physical Deficiencies

The opinions of probable costs included in the report are for the suggested remediation of the physical deficiencies or modernization of outdated systems or components. For some physical deficiencies, determining the appropriate suggested remedy may warrant further investigation, exploratory probing, testing design, etc., all of which are outside the scope of a Property Condition Assessment. In these instances, opinions of probable costs for further investigation have been provided if known.

The probable cost estimates provided are for suggested remediation expected to exceed \$3,000 either individually or in total for like items. These costs are intended to assist the user in developing a general understanding of the physical condition of the subject property and should be construed as preliminary budget numbers ONLY. The costs are estimates and are intended to provide an order of magnitude. To obtain precise figures professional contractors should be consulted.

The probable costs are limited to construction related costs. Business related, design or management fees, and other indirect costs are excluded. The probable costs are not for repairs or improvements that are classified as routine or normal preventative maintenance, cosmetic, decorative, etc. Opinions of probable costs may be based upon the extrapolation of representative observation, conditions deemed to be highly probable, results from information received, or estimated remaining useful lives of the systems or components, or a combination thereof.

The opinions of probable costs have been divided into three categories based on their level of priority and include the following:

Immediate Costs - Costs to remedy physical deficiencies that require immediate attention as a result of:

- An existing or potentially unsafe condition.
- A condition that if not repaired or replaced may have the potential to result in, or contribute to a critical system or component failure within one year.
- Will have the potential for a significant increase in the remedial cost if not addressed.

Short-Term Costs - Costs to remedy physical deficiencies, such as deferred maintenance that may not warrant immediate attention, but require repairs or replacements on a priority basis. Generally the time frame for such remedial work can be anticipated within one to two years.



Unpredictable or Discretionary Costs – Costs that are considered to be either unpredictable or construed as discretionary, but repair or replacement can be reasonably anticipated within approximately the next five years. No physical deficiencies were observed that would indicate immediate or short-term remediation and the system or component remains functional and operational. However there is evidence that it is nearing its typical useful life.

For the purposes of this report only those items in need of immediate major repair or in need of replacement to provide a five year remaining useful life will be discussed.

Item	Recommendation	Probable Cost			Safety Hazard
		Immediate (<1 year)	Short-Term (1 to 2 years)	Unpredictable or Discretionary (<5 years)	
1.0 Site					
1	Patch, seal and resurface walks and drives	\$5,000			
2					
3					
4					
5					
6					
2.0 Structural Frame					
1					
2					
3					
4					
5					
6					
3.0 Roofing					
1	Re-roof	\$5000			
2					
3					
4					
5					
6					
4.0 Façade					
1					
2					
3					
4					
5					
6					



5.0 Heating					
1	Replace aged furnaces	\$8000			
2					
3					
4					
5					
6					
6.0 Air Conditioning					
1					
2					
3					
4					
5					
6					
7.0 Ventilation					
1					
2					
3					
4					
5					
6					
8.0 Electrical					
1	Install GFCIs	\$2,000			
2	Upgrade Unit Services	\$8,000			
3	Upgrade Complex Services	\$3,000			
4					
5					
6					
9.0 Plumbing					
1	Replace water heater	\$1500			
2					
3					
4					
5					
6					
10.0 Life Safety / Fire Protection					
1	Upgrade smoke detectors	\$1500			
2					
3					
4					
5					
6					
11.0 Interior					



1	Windows	\$16,000		
2				
3				
4				
5				
6				
12.0 Insulation				
1	Attic Insulation	\$2000		
2				
3				
4				
5				
6				
Total		\$52,000		

Note: Total probable costs do not include minimal amounts.

VARGAS ENGINEERS

751 N. Fair Oaks Ave.
Pasadena, CA 91103

Phone: (626) 792-3702
Fax: (626) 792-3726

July 10, 2007

Mr. Mike Goodrich
SW Area Executive
LandAmerica Property Inspection Services
1363 S. Vineyard
Mesa, AZ 85210

RE: Structural Inspection on July 7, 2007
Project Location: 1244 Thomas Ave., San Diego, CA 92109

Dear Mr. Goodrich:

Thank you for the opportunity to serve you. At your request, we performed a limited structural inspection of the above property on the above date. The following report was prepared based on that inspection. The weather was clear and outdoor temperature about 80 degrees F.

For your convenience, we prepared the following summary of conditions of structural systems of the property. Please read the report for a more detailed discussion of these systems.

SUMMARY

- The building structural system is in good condition
- Exterior finish is in good condition
- Water control/surface runoff is adequate

INTRODUCTION

The purpose of this inspection and report is to evaluate the current condition of the **structural system** of this apartment building complex and to determine what, if any significant maintenance, repairs, and/or replacement to this system is required now.

This report is an opinion about the structural condition of this building. It is based on visual evidence available during a diligent inspection of reasonably accessible areas. No surface materials were removed, neither destructive testing undertaken, nor furnishings moved. This report is not an exhaustive technical evaluation. The report is not to be considered a guarantee of condition and no warranty is implied. The report is not to be used as a substitute for disclosure under California Law. Scope of this inspection does not include a comprehensive evaluation for code compliance, governmental regulation compliance, or hazardous materials anywhere on the site.

For your reference while reading our report, the following definitions may be helpful. Please note these are applied as overall ratings and do not preclude that a part or section of a particular system or component may be in different condition:

- Excellent- Component or system is in "as new" condition, requiring no rehabilitation, and should perform in full accordance with expected performance.
- Good- Component or system is sound and performing its function, although it may show signs of normal wear and tear. Some minor rehabilitation work may be required.
- Fair - Component or systems falls into one or more of the following categories: a) Evidence of previous repairs not in compliance with commonly accepted standards, b) Workmanship not in compliance with commonly accepted standards, c) Component or system is obsolete, d) Component or system approaching end of expected life. Repair or replacement is required to prevent further deterioration or to prolong expected life.
- Poor- Component or system has either failed or cannot be relied upon to continue performing its original function as a result of having exceeded its expected performance, excessive deferred maintenance, or state of disrepair. Present condition could contribute or cause deterioration of other elements or systems. Repair or replacement is required.

DESCRIPTION

The building is a two-story 11-unit apartment building with a common wall between each rental unit. The building is about 40 years old and is located on a graded lot with a gentle slope from front to rear. The footprint of the building is approximately rectangular in shape with 11 uncovered parking stalls located to the right of the building. Alleyways are located to the right and rear of the building. Along the right side of the building are stairs with concrete steps leading up to the second floor apartment units. The first floor of the building structure has perimeter concrete foundation footings and interior concrete slab-on-grade. The roof is sloped and is covered with asphalt fiberglass shingles.

Wood framing is used for roof, ceilings, floor, and exterior and interior walls. Windows are metal frame, horizontal sliders. Exterior doors are solid core wood and interior doors are hollow core wood. Exterior walls consist of Portland cement stucco.

For purposes of this report, all directions (left, right, rear, etc.) are taken from the viewpoint of an observer standing in front of the building and facing it from Thomas Ave.

STRUCTURAL

BUILDING FOUNDATION AND FLOOR

The basic construction as described above, is a standard method of construction. For slab-on-grade construction, very little of the foundation supporting bearing walls is visible.

Inspection of the exterior did not reveal any major foundation cracks. No shifting of the building with respect to its foundation was evident.

The parking area is located to the right of the building and the ground is covered with asphalt pavement. The asphalt pavement is showing surface cracking. Repair or replace the asphalt pavement around the damaged areas.

The right concrete walkway does show hairline concrete cracks. The hairline concrete cracks do not extend to or through the building foundation. The concrete walkway does not show major settlement, uplifting or bulging.

Exterior stair landings do not show major settlement, uplifting or bulging. Concrete stair treads and risers are showing concrete cracks. The cracked concrete treads and risers are in need of repair. By observation, overall, exterior stairs are in good condition and are structurally sound.

Second level elevated concrete walkways are showing surface cracks. Clean and fill concrete cracks with an approved waterproof concrete filler material. Inspection of the underside of the second level walkways did not show water stains or water damage. By observation, overall, the elevated concrete walkways are in good condition and are structurally sound.

By visual inspection, the foundation supporting the two-story apartment building is performing as intended and is structurally sound.

FRAMING

Roof framing members are 2x roof joists generally spaced at 16 to 24 inches on center. Second floor framing members are 2x floor joists generally spaced at 16 inches on center. Although deflections are inherent in framing members, we observed no excessive deflection of roof, ceiling, or floor.

Wall framing at the first and second floor levels were not visible or accessible due to wall finishes throughout. In most areas there was no visible distress to walls to warrant further inspection at this time. Walls are relatively straight and plumb and no wall leaned to a point to render it unstable. Door and window openings are square and level.

On the exterior of the building, we did not see visible evidence of dry rot. It is possible dry rot could exist in inaccessible areas in the interior and exterior of the building. If there is any disassembling of areas of the structure normally inaccessible to visual inspection, dry rot, mold, or other wood destroying organisms may be found.

Along the right side of the building is a utility room. The exterior wood trim of the utility room is showing dry rot. *Repair or replace water damaged wood trim.*

Based on visible evidence, the apartment building structural system has not been modified, is in good condition, and is structurally sound.

VENTILATION

Attic ventilation is not a factor in the condition of the structure.

WATER CONTROL

Drainage on four sides of apartment building is adequate. Driveways and walkways are sloped to drain and direct water away from the building foundation. Roof rain gutters and downspouts were not visible.

EXTERIOR

Exterior wall surfaces (stucco and wood trim) are in good condition. Stucco hairline cracks are visible at various locations. These stucco hairline cracks are most likely caused by expansion and contraction of the stucco material due to changes in temperature or very minor movement of parts of the building structure due to differential settlement of the foundation, wind, or seismic activity that occurs periodically in the region. The presence of hairline stucco cracks does not render the building unstable.

There are visible areas where the finish stucco coat is peeling away from the wall surface. Areas of water-damaged stucco are in need of repair.

Wrought iron handrails and guardrails and are in good condition and are structurally sound.

CONCLUSION AND RECOMMENDATIONS

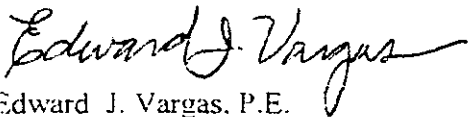
Based on visible evidence, we consider this property to be in good structural condition when compared to others of similar age and construction type. No major structural repairs are recommended at this time.

This report has been prepared in strict confidence with you as our client and for your exclusive use. We will not release this report, or discuss its contents, to anyone without your permission. We prefer if our report is not provided to other inspection professionals without coordinating with us ahead of time.

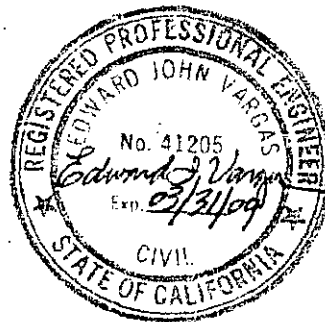
Vargas Engineers does not intend any other individual or party to rely upon this report without our expressed written consent. Third parties will indemnify and hold harmless Vargas Engineers for any damages, losses, or expenses they incur as a result of its use.

If you have any questions or would like further clarification on specific findings, please do not hesitate to call. Thank you for the opportunity to be of assistance to you.

Sincerely,



Edward J. Vargas, P.E.
President
Calif. Lic. No. C 41205



LandAmerica
Property Inspection Services



835 Thomas
San Diego, Ca 92109

Client(s): Clarke
Inspection Date: 7/9/2007

The Best Inspectors. Anywhere.

Inspector: Michael Goodrich

Thank you for choosing LandAmerica for your property inspection. We value your business and are available should you have any follow-up questions regarding your report.

This report represents our professional opinion regarding conditions of the property as they existed on the day of our inspection. We adhere to the Standards of Practices as outlined in the Standards of Practice of the American Society of Home Inspectors (ASHI) or your specific state standards.

Your **INSPECTION REPORT** includes three sections: **1) Key Findings, 2) Property Information, and 3) Inspection Agreement**. It is important to evaluate all three sections in order to fully understand the property and general conditions. The following definitions may be helpful in reviewing your reports.

☒ Action Items may include:

- Items that are no longer functioning as intended
- Conditions that present safety issues
- Items or conditions that may require repair, replacement, or further evaluation by a specialist
- Items that were inaccessible

☐ Consideration Items may include:

- Conditions that may require repair due to normal wear and the passage of time.
- Conditions that have not significantly affected usability or function- but may if left unattended.

SECTION I. KEY FINDINGS

This section is designed to summarize the findings and conditions that may require your immediate attention. Typically, the Key Findings Summary is used to help prioritize issues with other parties involved in the real estate transaction (home buyer, home seller, and real estate agents). *It is important to review carefully all sections of your report and not rely solely on the Key Findings summary.*

SECTION II. PROPERTY INFORMATION

This section contains our detailed findings on all items inspected. Component locations, system types and details, maintenance tips, and other general information about the property will be included as appropriate.

SECTION III. INSPECTION AGREEMENT

This section details the scope of the inspection. BY ACCEPTANCE OF OUR INSPECTION REPORT, YOU ARE AGREEING TO THE TERMS OF OUR INSPECTION AGREEMENT. A copy of this agreement was made available immediately after scheduling your inspection and prior to the beginning of your inspection. In addition, a copy is included on our website with your final inspection report.

To retrieve your full **PROPERTY INSPECTION REPORT** (all 3 sections) from our Web site:

- Point your web browser to <http://www.inspections.landam.com>
- Click on **View Your Inspection Report**
- Enter the **Report Id** and **Client Last Name** (shown below)
 - Report Id:
 - Client's Last Name: Clarke
- Follow the instructions to either view the report online or download it to your computer.

Again, thank you for selecting us as your inspection company. Please contact our Customer Service Center at 800-285-3001 should you have any questions about your reports or desire additional assistance.

Action Items**3. Exterior****3.4 DECK(S), BALCONIES, STEP(S), PATIO COVER(S) and RAILING(S)**

- ☒ (1) Water damage at balcony drip edge and bottom side. Recommend installation of metal drip edge flashing at a future upgrade.



3.4 Picture 1

- ☒ (2) One second level rail support post has detached and the railing is loose. Repair as needed.
- ☒ (3) Balcony has cracks fill and seal.



3.4 Picture 2

3.7 EAVES, SOFFITS and FASCIAS

- ☒ (1) Wood rot at laundry room fascia. Repair as needed.
- ☒ (3) Wood rot and termite damage at water heater room fascia.

3.8 WALL CLADDING and TRIM

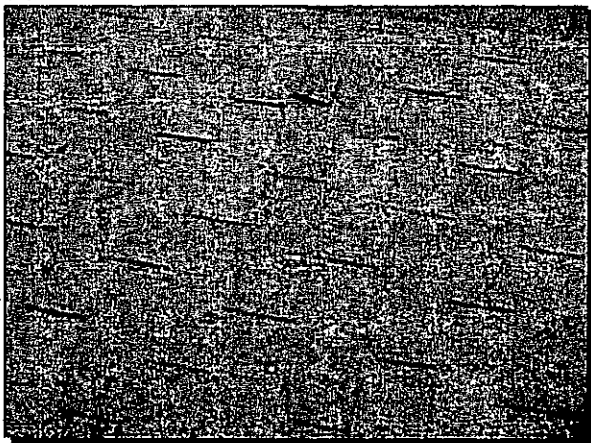
- ☒ (3) Excessive moisture and algae at stucco at N/W wall in garden bed.

3.10 WINDOWS

- ☒ (1) Rear windows have security bars, we believe that all windows that are primary fire egress routes have breakaway devices, please re-confirm this as part of your remodel efforts.

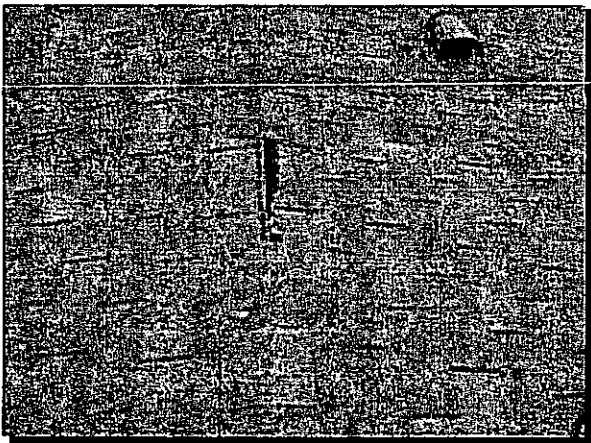
Action Items**4. Roofing****4.2 ROOF COVERINGS**

- ☒ (1) The laundry room roof is at its end of usable life and needs to be replaced. Schedule for replacement.



4.2 Picture 1

- ☒ (3) The main roof has missing and damaged shingles, and multiple previous repairs. A licensed roofer could make repairs as needed.



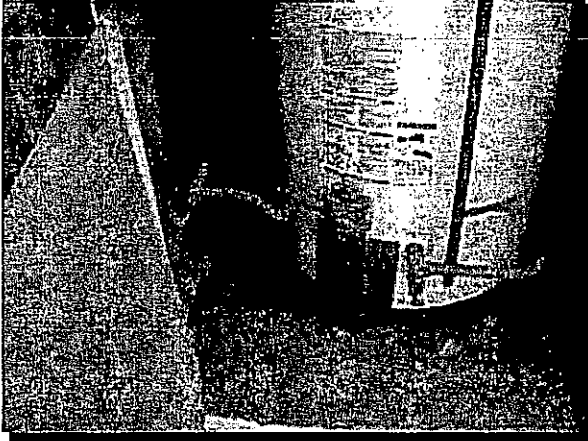
4.2 Picture 3

4.4 GUTTERS and DOWNSPOUTS

- ☒ The east side has excessive erosion, we recommend you consider installation of gutters and downspouts to protect the grade on the east side.

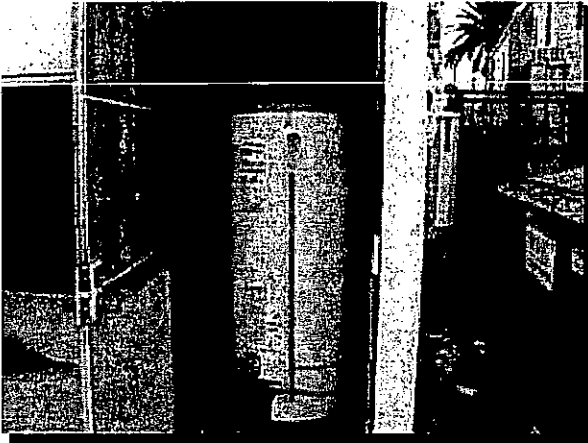
Action Items**5: Plumbing****5.7 WATER HEATING SYSTEM**

- ☒ (1) Water heater gas supply has no drip leg. Install drip leg when water heater is replaced.



5.7 Picture 1

- ☒ (2) Water heater connections do not use dielectric fittings. Fittings have severe corrosion. Install when water heater is replaced.

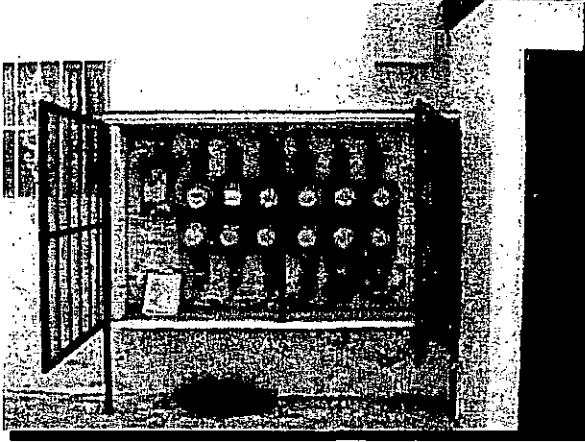


5.7 Picture 2

- ☒ (3) Water heater vent not properly secured. Add metal screws at each joint.

Action Items**6. Electrical****6.3 MAIN DISTRIBUTION PANEL and CIRCUIT BREAKERS**

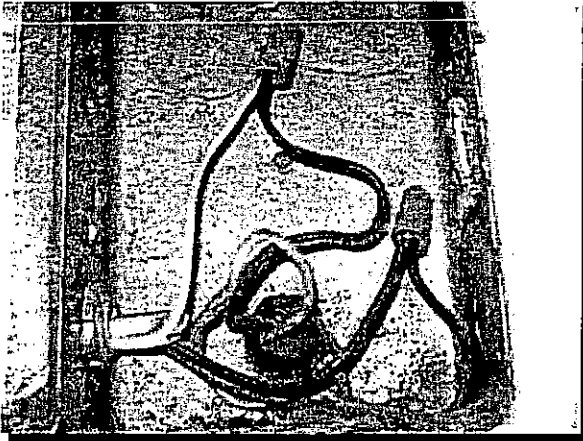
- ☒ (1) The slot(s) to accommodate circuit breakers are open in the main service panel cover, or "dead-front." These openings could allow a person to come in contact with "live" electrical components inside the panel. The holes should be closed with a special snap-in filler plate or plug made for this purpose.



6.3 Picture 1

6.4 WIRING

- ☒ Open junction box at main panel. Install cover



6.4 Picture 1

Action Items

10. Interiors

10. GENERAL COMMENTS ABOUT THE INTERIOR

☒ (2)

Unit	Comments
1	<ol style="list-style-type: none"> 1. Wall Heater < 20 years old. 2. Bedroom window 56" off floor, 94" wide 3. Kitchen wall damaged above sink 4. Bathroom shower escutcheon is loose 5. Bathroom tub overflow plate is loose.
2	<ol style="list-style-type: none"> 1. Wall Heater < 10 years old. 2. Smoke Detector not functioning. 3. Bathroom sink coming away from the wall.
3	<ol style="list-style-type: none"> 1. Wall Heater < 20 years old. 2. Kitchen window latch is broken 3. Kitchen exhaust fan not functioning 4. Kitchen – Range left side burners don't lite. 5. Bathroom tub/shower hot water valve handle is missing.
4	<ol style="list-style-type: none"> 1. Wall Heater > 20 years old. 2. Kitchen exhaust fan not functioning.
5	<ol style="list-style-type: none"> 1. Wall Heater < 20 years old. 2. Bedroom window 43 ½" above floor, 70" wide. 3. Bedroom has security bars with inside latches. 4. No Smoke Detector.
6	<ol style="list-style-type: none"> 1. Wall Heater < 10 years old. 2. Kitchen cabinet drawer is missing. 3. Kitchen – No exhaust fan. 4. Bathroom – toilet loose at the floor. <ol style="list-style-type: none"> 1. Bathroom tub/shower hot water valve not working. 2. Bathroom tub/shower surround is bad, soap dish missing, missing grout/caulking, water damage at the window.
7	<ol style="list-style-type: none"> 1. Wall Heater < 20 years old. 2. Smoke detector not working. 3. Garbage disposal not functioning. 4. Kitchen – exhaust fan is blocked.
8	<ol style="list-style-type: none"> 1. Wall Heater < 20 years old. 2. Smoke detector not working. 3. Bathroom – Shower head escutcheon is loose. 4. Bathroom water damage at wall between tub and sink.
9	<ol style="list-style-type: none"> 1. Wall Heater < 20 years old. 2. Entry door knob is loose. 3. Bathroom – shower head escutcheon is loose. 4. Bathroom gap at the tub spout and wall.
10	<ol style="list-style-type: none"> 1. Wall Heater < 10 years old. 2. No Smoke Detector. 3. Kitchen – Exhaust fan not functioning. 4. Bathroom – Shower head escutcheon is loose. 5. Entry door knob is loose.
11	<ol style="list-style-type: none"> 1. Wall Heater < 20 years old. 2. Bedroom window 44" off floor and 70" wide 3. Smoke detector not working. 4. Bathroom – Has vanity cabinet.

Action Items**13. Laundry****13.4 LAUNDRY AREA VENTILATION**

- ☒ (1) Water damage to laundry room walls and ceiling. Repair as needed.

Consideration Items

1: Introductory Notes

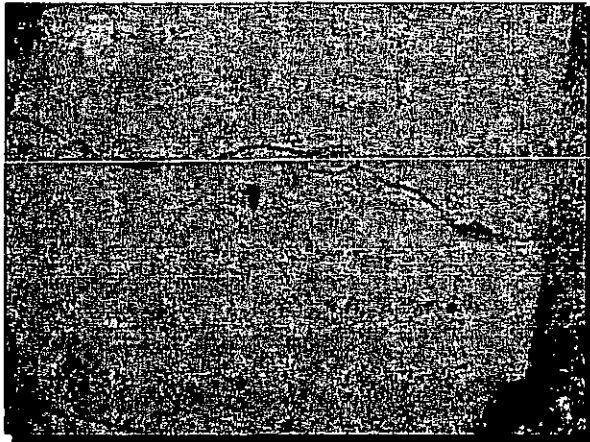
1.6 CONDOMINIUM NOTES

- ☒ (1) Funds for maintenance or replacement should be kept on hand, based on the annualized costs of each common area item. Information in this regard is contained in the "resale certificate" which should be available from the Owner's Association.
 - SUGGESTION: We recommend that you review this document prior to close of escrow.
- ☒ (2) This property appears to have been converted to individually owned units after original construction.
 - SUGGESTION: Additional information should be obtained through the Owner's Association and/or local building authority.
- ☒ (3) We could not confirm the presence of proper fire-rated walls between the units.
 - SUGGESTION: The original plans and specifications might be available for review to verify that such protection was originally intended. Or, the client can consult with the Owner's Association to determine whether or not adequate firewalls are in place.

3: Exterior

3.3 DRIVEWAY(S), PATIO(S), and WALKWAY(S)

- ☒ (1) Walk ways have cracks, Seal cracks and reseal



3.3 Picture 1

- ☒ (3) Consider adding an ADA Van accessible parking space at north end of lot.

Consideration Items

3. Exterior

3.8 WALL CLADDING and TRIM

- ☒ (1) Sections of the stucco at the front, rear and sides of the home are damaged. A qualified technician could make repairs or modifications as necessary.



3.8 Picture 1

- ☒ (2) There are moderately-sized cracks at several locations in the stucco. Such cracks can allow water to enter the wall cavity and cause damage to structural components. A qualified technician could make repairs or modifications as necessary.

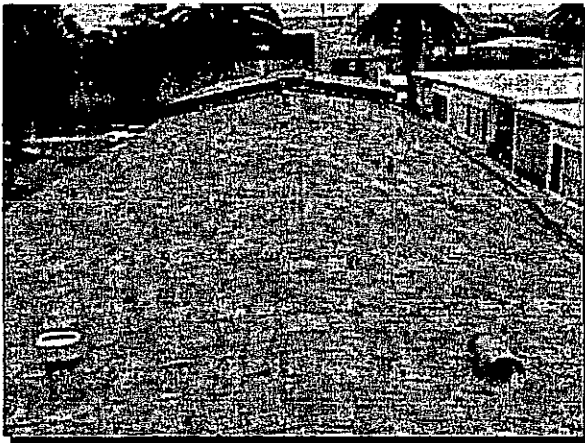
3.10 WINDOWS

- ☒ (2) Screens torn. Replace/repair as needed.

4. Roofing

4.2 ROOF COVERINGS

- ☒ (2) This roof is near the end of its expected service life. Budget to replace the roof soon.



4.2 Picture 2

5. Plumbing

5.8 FUEL GAS SYSTEM

- ☒ There is no "emergency seismic shut off" meter wrench in the vicinity of the gas meter. A meter wrench is recommended in areas subject to seismic activity. An emergency shutoff wrench should be chained to the meter to provide a convenient means for shutoff in an emergency. The valve can be turned 90 degrees in either direction to shut the gas supply off.

Consideration Items

6. Electrical

6.7 GFCI CONDITIONS (GROUND FAULT CIRCUIT INTERRUPTERS)

- ☒ We recommend upgrading by installing GFCI receptacles in all locations required by present standards. This includes locations in bathrooms, garages, exteriors, basements and crawl spaces, kitchens and laundry within six feet of the sink. They are also commonly utilized for equipment such as sump pumps, whirlpools, spas and pool equipment. GFCI's have two different forms: receptacles with test/reset buttons, and panel breakers, and either form is effective in protecting appropriate outlets or fixtures.
- Consider upgrading unprotected receptacles in areas where GFCI protection is presently required. A qualified electrician should do the work.

Prepared Using HomeGauge <http://www.homegauge.com> SHGI (c) 2000-2007 : Licensed To LandAmerica Property Inspection Services

Legend

X No Action Items Found

☒ Action Item

☑ Consideration Item

Introductory Notes			
1.0	IMPORTANT CLIENT INFORMATION	X	
1.1	INSPECTION SCOPE	X	
1.2	ENVIRONMENTAL	X	
1.3	OVERALL BUILDING CONDITIONS	X	
1.4	PERMITS	X	
1.5	PICTURES	X	
1.6	CONDOMINIUM NOTES	X	☑
Structure			
2.0	IMPORTANT CLIENT INFORMATION	X	
2.1	STRUCTURE INSPECTION LIMITATIONS	X	
2.2	CONCRETE SLAB	X	
2.3	ROOF STRUCTURE	X	
2.4	WALLS (Structural)	X	
Exterior			
3.0	IMPORTANT CLIENT INFORMATION	X	
3.1	EXTERIOR INSPECTION LIMITATIONS	X	
3.2	VEGETATION	X	
3.3	DRIVEWAY(S), PATIO(S), and WALKWAY(S)	X	☑
3.4	DECK(S), BALCONIES, STEP(S), PATIO COVER(S) and RAILING(S)		☒
3.5	GRADING, DRAINAGE, and RETAINING WALL(S)	X	
3.6	FENCES and GATES	X	
3.7	EAVES, SOFFITS and FASCIAS		☒
3.8	WALL CLADDING and TRIM		☒ ☑
3.9	DOORS (Exterior)	X	
3.10	WINDOWS		☒ ☑
Roofing			
4.0	IMPORTANT CLIENT INFORMATION	X	
4.1	ROOF INSPECTION LIMITATIONS	X	
4.2	ROOF COVERINGS		☒ ☑
4.3	FLASHINGS and PENETRATIONS	X	
4.4	GUTTERS and DOWNSPOUTS		☒
Plumbing			
5.0	IMPORTANT CLIENT INFORMATION	X	
5.1	PLUMBING INSPECTION LIMITATIONS	X	
5.2	MAIN WATER SHUT-OFF DEVICE	X	
5.3	WATER SUPPLY PIPING and FLOW/PRESSURE	X	
5.4	FIXTURES and FAUCETS	X	
5.5	DRAIN, WASTE and VENTS PIPING	X	

5.6	WATER HEATER(S) INSPECTION LIMITATIONS	X	
5.7	WATER HEATING SYSTEM		☒
5.8	FUEL GAS SYSTEM	X	☑
5.9	GAS METER INSPECTION LIMITATIONS	X	
Electrical			
6.0	IMPORTANT CLIENT INFORMATION	X	
6.1	ELECTRICAL INSPECTION LIMITATIONS	X	
6.2	SERVICE ENTRANCE CONDUCTORS and EQUIPMENT	X	
6.3	MAIN DISTRIBUTION PANEL and CIRCUIT BREAKERS		☒
6.4	WIRING		☒
6.5	EXTERIOR RECEPTACLES, SWITCHES, and FIXTURES	X	
6.6	INTERIOR RECEPTACLES, SWITCHES, and FIXTURES	X	
6.7	GFCI CONDITIONS (GROUND FAULT CIRCUIT INTERRUPTERS)	X	☑
6.8	AFCI CONDITIONS (ARC FAULT CIRCUIT INTERRUPTERS)	X	
6.9	SUB PANEL(S)	X	
Heating and Cooling			
7.0	IMPORTANT CLIENT INFORMATION	X	
7.1	HEATING and COOLING INSPECTION LIMITATIONS	X	
7.2	HEATING SYSTEM(S)	X	
Attic			
8.0	IMPORTANT CLIENT INFORMATION	X	
8.1	ATTIC INSPECTION LIMITATIONS	X	
8.2	ATTIC ACCESS and GENERAL CONDITIONS	X	
8.3	ATTIC MOISTURE and VENTILATION	X	
8.4	ATTIC INSULATION	X	
Garage			
9.0	IMPORTANT CLIENT INFORMATION	X	
9.1	GARAGE INSPECTION LIMITATIONS	X	
9.2	GARAGE FLOOR	X	
Interiors			
10.0	IMPORTANT CLIENT INFORMATION	X	
10.1	LIMITATIONS to the INTERIOR INSPECTION	X	
10.2	GENERAL COMMENTS ABOUT THE INTERIOR		☒
10.3	CEILINGS and WALLS	X	

000798

LandAmerica Assessment Corporation

ITEMS INSPECTED

Legend ☐ No Action Items Found ☒ Action Item ☐ Consideration Item

10.4	FLOORS	X		
10.5	WINDOWS	X		
10.6	DOORS AND CLOSETS	X		
10.7	SMOKE DETECTOR(S)	X		
10.8	STAIRWAY(S) AND RAILING(S)	X		
Kitchen				
11.0	IMPORTANT CLIENT INFORMATION	X		
11.1	KITCHEN INSPECTION LIMITATIONS	X		
11.2	SINK(S) and GROUT/CAULKING	X		
11.3	COUNTERTOP and CABINETS	X		
11.4	RANGE(S), OVEN(S), and COOKTOP(S)	X		
11.5	GARBAGE DISPOSAL(S)	X		
11.6	RANGE HOOD/EXHAUST	X		
11.7	REFRIGERATOR	X		
Bathrooms				
12.0	IMPORTANT CLIENT INFORMATION	X		

12.1	WASH BASIN(S)	X		
12.2	COUNTERTOP and CABINETS	X		
12.3	TOILET(S)	X		
12.4	SHOWER WALLS and ENCLOSURE	X		
12.5	BATHTUB(S)	X		
12.6	FLOOR	X		
12.7	BATHROOM VENTILATION	X		
Laundry				
13.0	LAUNDRY APPLIANCES and PLUMBING INSPECTION LIMITATIONS	X		
13.1	CLOTHES WASHER and DRYER HOOK-UPS	X		
13.2	CLOTHES WASHER	X		
13.3	CLOTHES DRYER	X		
13.4	LAUNDRY AREA VENTILATION		<input checked="" type="checkbox"/>	
13.5	DRYER VENT	X		

Table of Contents

General Information	15
1 Introductory Notes	16
2 Structure	17
3 Exterior	18
4 Roofing	21
5 Plumbing	23
6 Electrical	26
7 Heating and Cooling	28
8 Attic	30
9 Garage	30
10 Interiors	31
11 Kitchen	34
12 Bathrooms	35
13 Laundry	36

Date: 7/9/2007	Time: 4:34 PM	Report ID:
Property: 835 Thomas, San Diego, Ca 92109	Prepared By: Michael Goodrich	

General Information

Scope

This inspection is a non-invasive examination of readily accessible systems and components as outlined in the City Of San Diego BCR ordinance and ASTM 2018 E. In compliance, our reports are subject to the Definitions, Scope, Limitations, Exceptions, and Exclusions as outlined in these Standards of Practice. A copy of the Standards of Practice may be obtained from your inspector or from the web site identified in our Inspection Agreement.

In general, building inspections include a visual examination of readily accessible systems and components to help identify material defects – as they exist at the time of the inspection. This is not a technically exhaustive inspection and will not necessarily list all minor home maintenance or repair items. Latent, inaccessible, or concealed defects are excluded from this inspection. Inspectors do not move furniture, appliances, personal items, or other materials that may limit his/her inspection. We do not report on cosmetic or aesthetic issues. Unless otherwise stated, this is not a code inspection. We did not test for environmental hazards or the presence of any potentially harmful substance.

Use of Reports

If the inspection is performed in connection with the sale, exchange or transfer of the property, copies of the report may be provided to the principals in the transaction and their agents. However, the report is for your sole information and benefit. We do not intend for anyone but the person(s) listed on this report to benefit, directly or indirectly, from this agreement and inspection report. Our contractual relationship is only to the person(s) purchasing our report/service.

Inspection Agreement

BY ACCEPTANCE OF OUR INSPECTION REPORT, YOU ARE AGREEING TO THE TERMS OF OUR INSPECTION AGREEMENT. A copy of this agreement was made available immediately after scheduling your inspection and prior to the beginning of your inspection. In addition, a copy is included on our website with your final inspection report. You should review the liability limitations and terms of the agreement carefully before accepting your inspection report. Should you discover a defect for which we may be liable to you, you must notify us and give us a reasonable opportunity to re-inspect the property before you repair the defect.

A part of many real estate transactions are contingencies limiting the time available for follow up inspections, repair work, or further inquiries. We are not responsible for any investigations that are not completed prior to the end of the contingency period.

Report Definitions

The following definitions of comment descriptions represent this inspection report.

Inspected: The item was visually observed and appears to be functioning as intended.

Not Inspected: The item was not inspected (reason for non-inspection should be noted):

Not Present: The item was not found or is not present.

Action Item: The item is not functioning as intended or needs repair or further evaluation.

Consideration Item: The item should be monitored and repair/replacement should be considered. (Includes definitions, helpful tips, recommended upgrades, conditions requiring repair due to normal wear, and conditions that have not significantly affected usability or function - but may if left unattended).

Building Status: Occupied With a Normal Amount of Interior Furnishings	Style of Home: Multi-Plex Residential Dwelling	Age Determination: By Client
--	--	--

Age Of Home: 41 to 45 Years	Attendees: Client	Home Viewed From: Street
Weather: Partly Cloudy	Outside Temperature: 60 - 70 degrees	Soil Condition: Damp
Lot Topography: Nearly Flat	Standards of Practice: City Of San Diego BCR Ordinance And ASTM 2018 E	

1. Introductory Notes

Inspection Items

1.0 IMPORTANT CLIENT INFORMATION [Inspected]

Please read the inspection report's "Action Summary" for a detailed description of conditions that need immediate attention, and details on repairs that are likely to be costly. Also, please read the report's "Considerations Summary" for a list of definitions, helpful tips, recommended upgrades, items that should be monitored, non-critical conditions requiring repair that arise due to normal wear and tear and the passage of time and conditions that have not significantly affected usability or function - but may if left unattended.

Any information regarding warranties or guarantees on the repairs should be obtained from the individual trades people who performed the work.



1.0 Picture 1

1.1 INSPECTION SCOPE [Inspected]

The purpose of this inspection was to evaluate the building for function, operation and condition of its systems and components. The inspection does not include any attempt to find or list cosmetic flaws. You, the client, are the final judge of aesthetic issues. The presence of furnishings, personal items and decorations in occupied structures sometimes limits the scope of the inspection. For instance, the placement of furniture prevents access to every electrical receptacle. The presence or extent of building code or zoning violations is not the subject of this inspection nor is it included in this report. No information is offered on the legal use, or possible uses of the building or property. Information with regard to these issues may be available from the appropriate building and/or zoning agency. Important information about this property may be a matter of public record. However, a search of public records is not in the scope of this inspection. We recommend the buyer review all appropriate public records if this information is desired. We recommend that the buyer conduct a thorough pre-closing walkthrough inspection before closing escrow.

1.2 ENVIRONMENTAL [Inspected]

1. Introductory Notes**SHOULD I TEST FOR MOLD?**

The Environmental Protection Agency does not recommend testing as a first step to determine if you have a mold problem. Reliable air sampling for mold can be expensive and requires expertise and equipment that is not available to the general public. Property owners generally will need to pay a contractor to carry out such sampling, because insurance companies and public health agencies seldom provide this service. Mold inspection and cleanup is usually considered a housekeeping task that is the responsibility of the owner or landlord, as are roof and plumbing repairs, house cleaning, and yard maintenance. Another reason the health department does not recommend testing for mold contamination is that there are few available standards for judging what is an acceptable quantity of mold for any of the thousands of species. In all locations, there is some level of airborne mold both indoors and outdoors. Because individual susceptibility varies so greatly, sampling is at best a general guide.

The simplest way to deal with a suspicion of mold contamination is, if you can see or smell mold, you likely have a problem and should take steps outlined below. Mold growth is likely to recur unless the source of moisture that is allowing mold to grow is removed and the contaminated area cleaned.

If you have concerns about mold and or other indoor air quality issues we recommend that you contact specialists in the field such as the Centers for Disease Control, the Environmental Protection Agency and other true experts. Be prepared to receive differing opinions from different experts.

For further information regarding mold and other indoor air contaminants we recommend that you visit the CDC website at: <http://www.cdc.gov> or the EPA at: <http://www.epa.gov/iaq/molds>

1.3 OVERALL BUILDING CONDITIONS [Inspected]

The basic visible components and systems in this building are in generally adequate condition, other than exceptions noted in this report.

1.4 PERMITS [Inspected]

Confirmation should be obtained from the owner, or in their absence, the local building department, that all necessary permits for appropriate construction and/or remodeling were secured, appropriate inspections were performed and all requisite final signatures have been obtained.

1.5 PICTURES [Inspected]

Any pictures included in this report are not meant to represent every defect that has been found. There may be action items that do not have a picture included. We suggest reading the key findings to find all of the defects that have been reported on. Pictures, if included, represent only the key finding associated with that picture. If you have any questions on the key findings, please contact the inspector for clarification.

1.6 CONDOMINIUM NOTES [Inspected]

- ☒ (1) Funds for maintenance or replacement should be kept on hand, based on the annualized costs of each common area item. Information in this regard is contained in the "resale certificate" which should be available from the Owner's Association.
 - SUGGESTION: We recommend that you review this document prior to close of escrow.
- ☒ (2) This property appears to have been converted to individually owned units after original construction.
 - SUGGESTION: Additional information should be obtained through the Owner's Association and/or local building authority.
- ☒ (3) We could not confirm the presence of proper fire-rated walls between the units.
 - SUGGESTION: The original plans and specifications might be available for review to verify that such protection was originally intended. Or, the client can consult with the Owner's Association to determine whether or not adequate firewalls are in place.

2. Structure

Our inspection of the structure included a visual examination of the exposed, readily accessible portions of the structure. These items were examined for visible defects, excessive wear, and general condition. Many structural components are inaccessible because they are buried below grade or are behind finished surfaces. Therefore, much of the inspection was performed by looking for visible symptoms of movement, damage and deterioration. Where there are no symptoms, conditions requiring further review or repair may go undetected and identification is not possible without destructive testing. We make no representations as to the internal conditions or stability of soils, concrete footings and foundations, except as exhibited by their performance. We cannot predict when or if foundations or roofs might leak in the future.

2. Structure**Styles & Materials**

Foundation Type and Material: Poured Concrete Slab	Wall Structure: Wood 2 X 4 Wood	Roof Structure: Not Visible
Ceiling Structure: Not Visible	Floor Structure: Concrete Slab Not Visible	Floor Insulation: Not Visible
Wall Insulation: Not Visible		

Inspection Items**2.0 IMPORTANT CLIENT INFORMATION [Inspected]**

Inspection of the building structure includes the following components, as applicable: building foundation, floor framing, under floor ventilation, foundation anchoring, cripple wall bracing, structural walls, roof framing, insulation, and wood separation from soil.

A determination of the ability of this structure to withstand damage in an earthquake requires an engineering analysis, which is beyond the scope of this inspection. If further information is desired, contact a qualified engineer.



2.0 Picture 1

2.1 STRUCTURE INSPECTION LIMITATIONS [Inspected]

Finished surfaces conceal various roof components. Interior finishes can prevent evaluation of ceiling joists, purlins and supports, rafters and sheathing.

2.2 CONCRETE SLAB [Inspected]

The concrete floor slab is in adequate condition. However, there are some small cracks. This type of cracking is common and usually is not structurally significant.

2.3 ROOF STRUCTURE [Inspected]**2.4 WALLS (Structural) [Inspected]****3. Exterior**

Our inspection of the building exterior included a visual examination. Items are examined for defects, excessive wear, and general state of repair. Exterior wood components are randomly probed. We do not probe everywhere. Varying degrees of exterior deterioration could exist in any component. Vegetation, including trees, is examined only to the extent that it is affecting the structure.

3: Exterior

Styles & Materials

Driveway Surface: Asphalt	Walkway Surface: Concrete on Grade	Window Material: Exposed Aluminum Frame Single Pane
Cladding: Stucco	Soffit/Fascia: Wood Extra Info : Drywall enclosed soffits	Trim: Wood
Exterior Door Type: Wood	Fence: Wood	Gate: Metal
Primary Cladding: Stucco		

Inspection Items

3.0 **IMPORTANT CLIENT INFORMATION** [Inspected]

Inspection of the building exterior includes the accessible finished surfaces, wall cladding, windows, doors, trim, decks, porches, stairs and railings.

Inspection of the exterior site and grounds includes a visual examination of grading and drainage within five feet of the building, walkways, driveways, patios or retaining walls connected to or directly adjacent to the structure and wood separation from soil. These items are examined for excessive or unusual wear and general state of repair. No other features on the property grounds were examined unless specifically discussed in this report. Geological evaluations and the determination of soils stability are outside the scope of this inspection.

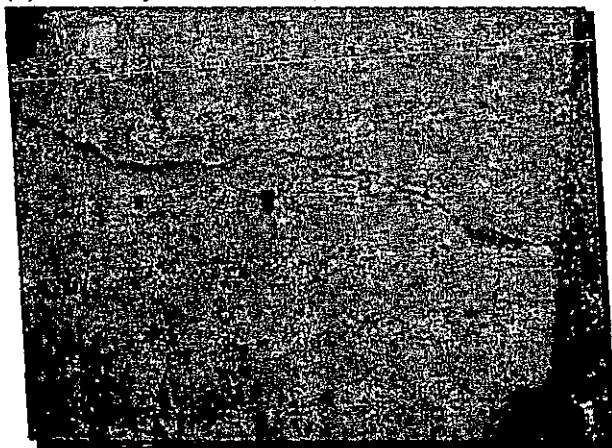
Fences, gates, out buildings, low voltage lighting, motion/photo cells, and soil conditions are not inspected and are beyond the scope of this inspection, unless specifically mentioned in the report.

3.1 **EXTERIOR INSPECTION LIMITATIONS** [Inspected]

Any wood destroying organism-damaged structural feature discussed in this report may extend into concealed or inaccessible areas. Any additional damage or deterioration found in the course of repair should also be corrected.

3.2 **VEGETATION** [Inspected]3.3 **DRIVEWAY(S), PATIO(S), and WALKWAY(S)** [Inspected]

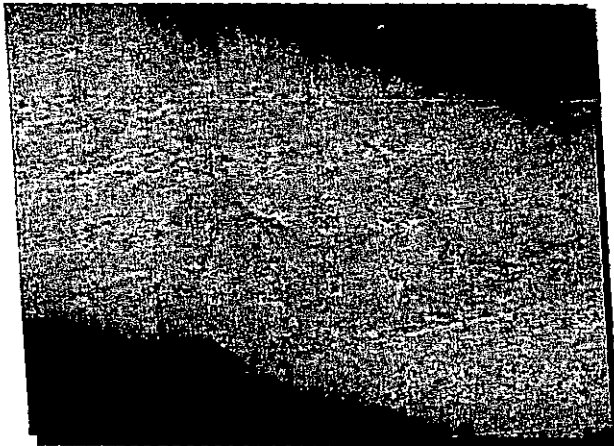
(1) Walk ways have cracks, Seal cracks and reseal



3.3 Picture 1

3. Exterior

(2) There are common cracks and some settling in the asphalt driveway and parking lot. The driveway is otherwise in adequate condition. We recommend crack sealing, resurfacing, and re-striping.



3.3 Picture 2



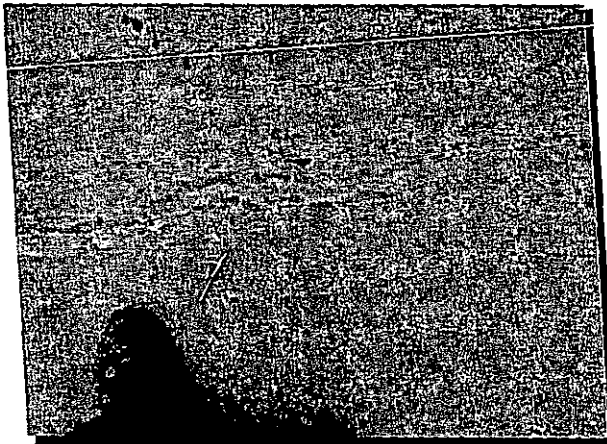
(3) Consider adding an ADA Van accessible parking space at north end of lot.

3.4

DECK(S), BALCONIES, STEP(S), PATIO COVER(S) and RAILING(S) [Inspected]



(1) Water damage at balcony drip edge and bottom side. Recommend installation of metal drip edge flashing at a future upgrade.



3.4 Picture 1



(2) One second level rail support post has detached and the railing is loose. Repair as needed.



(3) Balcony has cracks fill and seal.



3.4 Picture 2

3.5 GRADING, DRAINAGE, and RETAINING WALL(S) [Inspected]

3. Exterior

3.6 FENCES and GATES [Inspected]

East fence



3.6 Picture 1

3.7 EAVES, SOFFITS and FASCIAS [Inspected]

- ☒ (1) Wood rot at laundry room fascia. Repair as needed.
- ☒ (2) Wood rot at second level fascia, repair as needed.
- ☒ (3) Wood rot and termite damage at water heater room fascia.

3.8 WALL CLADDING and TRIM [Inspected]

- ☒ (1) Sections of the stucco at the front, rear and sides of the home are damaged. A qualified technician could make repairs or modifications as necessary.



3.8 Picture 1

- ☒ (2) There are moderately-sized cracks at several locations in the stucco. Such cracks can allow water to enter the wall cavity and cause damage to structural components. A qualified technician could make repairs or modifications as necessary.
- ☒ (3) Excessive moisture and algae at stucco at N/W wall in garden bed.

3.9 DOORS (Exterior) [Inspected]

3.10 WINDOWS [Inspected]

- ☒ (1) Rear windows have security bars, we believe that all windows that are primary fire egress routes have breakaway devices, please re-confirm this as part of your remodel efforts.
- ☒ (2) Screens torn. Replace/repair as needed.

4. Roofing

Our inspection of the readily accessible roof system included a visual examination to determine damage or material deterioration. We walk on the roof only when it is safe to do so and is not likely to damage the roof materials. We look for evidence of roof system leaks and damage. We cannot predict when or if a roof might leak in the future.

4: Roofing

Styles & Materials

Roof Inspection Method: Walked Roof	Primary Roof-Type: Gable	Primary Roof Covering: Asphalt/Fiberglass Shingles
Primary Roof Slope: Medium	Condition of Primary Roof: Last Third of Serviceable Life	Estimated Roof Covering Age: 20 years
Flashing: Metal		

Inspection Items

4.0 IMPORTANT CLIENT INFORMATION [Inspected]

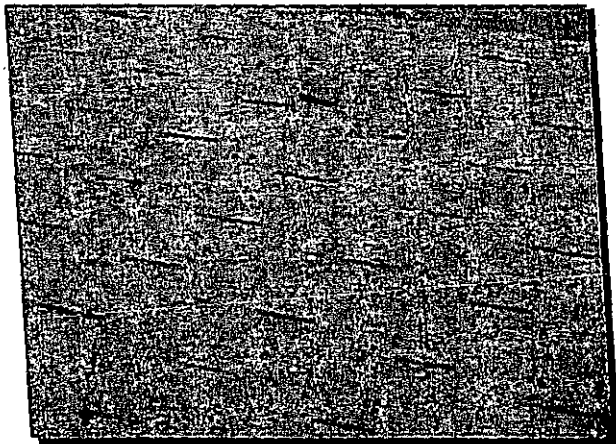
All roof systems require annual (or even more frequent) maintenance. Failure to perform routine roof maintenance will usually result in leaks and accelerated deterioration of the roof covering and flashings. Any estimate of remaining life expectancy must be based on the assumption that the roof will be conscientiously maintained.

Inspection of the roof surface, attic, and interior spaces should not be interpreted as a certification that this roof is or will be free of leaks. The function of flashing is to seal the joints that occur between roofing materials, roof penetrations, walls, or other structural features. Because flashing is installed under roofing and siding materials, it is common for it to be not visible. We cannot verify its presence. Any joint that has missing, damaged or improperly installed flashing can be a leak source. All roof systems require periodic maintenance. Failure to perform routine roof maintenance will usually result in leaks and accelerated deterioration of the roof covering, flashings and other components.

4.1 ROOF INSPECTION LIMITATIONS [Inspected]

4.2 ROOF COVERINGS [Inspected]

- ☒ (1) The laundry room roof is at its end of usable life and needs to be replaced. Schedule for replacement.



4.2 Picture 1

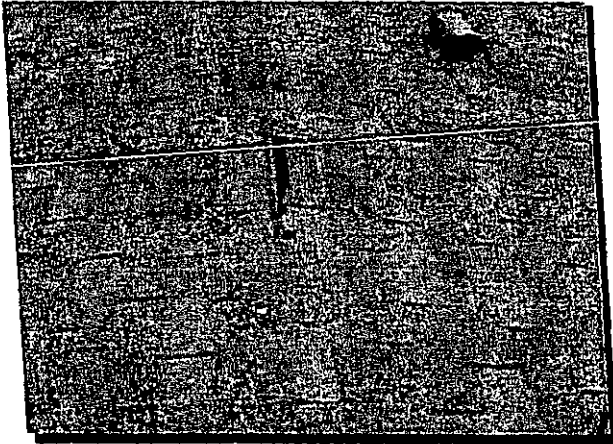
4. Roofing

- ☒ (2) This roof is near the end of its expected service life. Budget to replace the roof soon.



4.2 Picture 2

- ☒ (3) The main roof has missing and damaged shingles, and multiple previous repairs. A licensed roofer could make repairs as needed.



4.2 Picture 3

4.3 FLASHINGS and PENETRATIONS [Inspected]**4.4 GUTTERS and DOWNSPOUTS [Inspected]**

- ☒ The east side has excessive erosion, we recommend you consider installation of gutters and downspouts to protect the grade on the east side.

5. Plumbing

Our inspection of the plumbing system included a visual examination to determine defects, excessive wear, leakage, and general state of repair. Plumbing leaks can be present but not evident in the course of a normal inspection. A sewer lateral test to determine the condition of the underground sewer lines is beyond the scope of this inspection. Our review of the plumbing system does not include landscape irrigation systems, water wells, on site and/or private water supply systems, water quality, off site community water supply systems or private (septic) waste disposal systems unless specifically noted.

5. Plumbing**Styles & Materials**

Water Source: Public	Main Water Shutoff Location: Exterior	Water Supply Pressure: 60-70 psi
Water Pressure Regulator: No	Exterior Water Supply Pipes: Copper	Interior Water Supply: Copper
Waste/Drain/Vent Pipe Material: ABS Cast Iron Galvanized Steel	Piping Support: Not Visible	Water Heater Capacity(s): Unknown Extra Info : 100 Gallon Tank
Water Heater Power Source: Natural Gas	Water Heater Flue: Metal	Water Heater Location(s): Exterior Closet
Water Heater Manufacturer: Ruud	Water Heater Age: Greater than 10 Years- Beyond Servicable Life	Main Sewer Cleanout Location: Left Side Extra Info : S/E side
Gas Shutoff Location: Meter Extra Info : East side	Gas Type: Natural Gas	

Inspection Items**5.0 IMPORTANT CLIENT INFORMATION** [Inspected]

5. Plumbing

A temperature and pressure relief valve is a safety valve installed near the top of a water heater tank that allows any dangerous buildup of pressure or high temperature water to escape. It is designed to discharge if the internal temperature or pressure of the tank exceeds the limits set by the manufacturer of the valve.

The position of the hot and cold water controls on all plumbing fixtures should meet accepted industry standards. These standards dictate that hot water controls are always located on the left and cold controls are located on the right. With single handle faucets, turning the handle to the left should increase the flow of hot water, while turning the handle to the right should increase the flow of cold water.

For a smoother flow of water with less splashing, all aerators should be cleaned periodically.

We cannot identify the pipe material that is buried in the exterior yard. During the inspection, we only operate the valves or faucets that are normally operated by the occupants in their daily use of the plumbing system.

Be aware that we will not operate:

- The main water supply shutoff (although we will report on its existence and location when accessible)
- The temperature & pressure relief valve on the water heater (although we will note its existence and check its installation)
- The water heater tank supply or drain valves
- Any stop valves supplying water to plumbing fixtures
- The laundry supply shutoff valves.

Any valve that is not operated on a regular basis may fail; that is, start leaking or dripping, when tested.

This inspection does not include evaluation of public sewage systems. It does not include private waste disposal. The typical scope of our inspection of the plumbing system in all buildings includes the visible water supply piping, fixtures and drain, waste and vent piping physically located in the confines of the building. We do not inspect the building drain between the building and its discharge point at the sanitary district collection system, or private waste disposal system.

5.1 PLUMBING INSPECTION LIMITATIONS [Inspected]

Our inspections may only detect the presence of visible leaks, i.e. leaks may go undetected within wall, floor, or ceiling cavities, or may go undetected at exterior and underground locations.

We did not test the quality of the water supplied by the municipality. For information concerning water quality, we suggest contacting the municipality or utility company which provides the water, or have the water independently tested.

This inspection does not include evaluation of public sewage systems. It does not include private waste disposal systems unless specifically ordered by the client and discussed in this report. The typical scope of our inspection of the plumbing system in all buildings includes the visible water supply piping, fixtures and drain, waste and vent piping physically located in the confines of the building. We do not inspect the building drain between the building and its discharge point at the sanitary district collection system, or private waste disposal system.

We may note the presence of floor drains in our report. However, flow-testing the floor drains in your building, garage or outside stairwells is beyond the scope of this inspection. If you believe that the proper operation of any floor drain is critical, you should make arrangements with the seller to jointly test the drain(s) sometime between our inspection and the escrow closing, perhaps as a part of the pre-closing walk-through.

5.2 MAIN WATER SHUT-OFF DEVICE [Inspected]**5.3 WATER SUPPLY PIPING and FLOW/PRESSURE [Inspected]****5.4 FIXTURES and FAUCETS [Inspected]**

5. Plumbing

5.5 DRAIN, WASTE and VENTS PIPING [Inspected]

5.6 WATER HEATER(S) INSPECTION LIMITATIONS [Inspected]

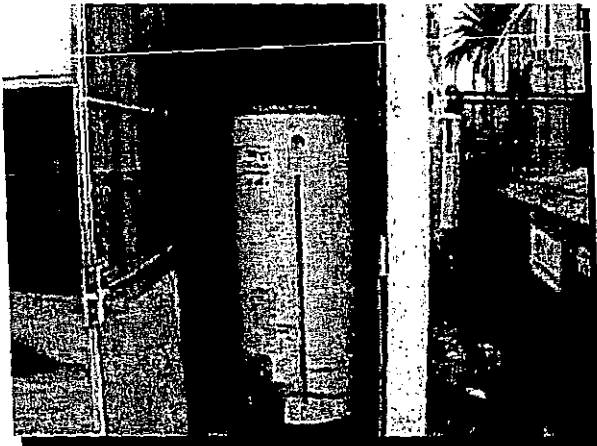
5.7 WATER HEATING SYSTEM [Inspected]

- ☒ (1) Water heater gas supply has no drip leg, Install drip leg when water heater is replaced.



5.7 Picture 1

- ☒ (2) Water heater connections do not use dielectric fittings. Fittings have severe corrosion. Install when water heater is replaced.



5.7 Picture 2

- ☒ (3) Water heater vent not properly secured. Add metal screws at each joint.

5.8 FUEL GAS SYSTEM [Inspected]

- ☒ There is no "emergency seismic shut off" meter wrench in the vicinity of the gas meter. A meter wrench is recommended in areas subject to seismic activity. An emergency shutoff wrench should be chained to the meter to provide a convenient means for shutoff in an emergency. The valve can be turned 90 degrees in either direction to shut the gas supply off.

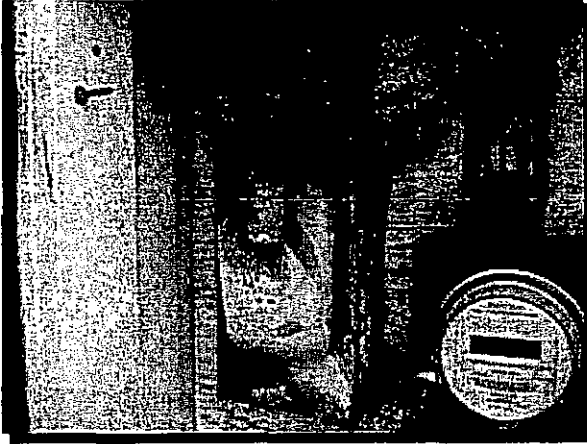
5.9 GAS METER INSPECTION LIMITATIONS [Inspected]

6. Electrical

Our inspection of the electrical system included a visual examination of readily accessible components including a random sampling of electrical devices to determine adverse conditions and improper wiring methods, grounding, bonding and overcurrent protection. Performing voltage tests, load calculations or determining the adequacy of the electrical system for future usage is outside the scope of this inspection. Telephone, video, audio, security system, landscape lighting, and other low voltage wiring was not included in this inspection unless specifically noted.

6. Electrical

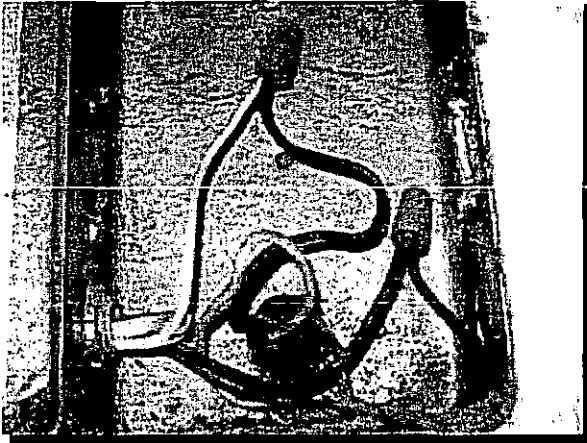
(2) Disconnect panel rusted closed or trips on open, not opened.



6.3 Picture 2

6.4 WIRING [Inspected]

☒ Open junction box at main panel. Install cover



6.4 Picture 1

6.5 EXTERIOR RECEPTACLES, SWITCHES, and FIXTURES [Inspected]

6.6 INTERIOR RECEPTACLES, SWITCHES, and FIXTURES [Inspected]

6.7 GFCI CONDITIONS (GROUND FAULT CIRCUIT INTERRUPTERS) [Inspected]

☒ We recommend upgrading by installing GFCI receptacles in all locations required by present standards. This includes locations in bathrooms, garages, exteriors, basements and crawl spaces, kitchens and laundry within six feet of the sink. They are also commonly utilized for equipment such as sump pumps, whirlpools, spas and pool equipment. GFCI's have two different forms: receptacles with test/reset buttons, and panel breakers, and either form is effective in protecting appropriate outlets or fixtures.

Consider upgrading unprotected receptacles in areas where GFCI protection is presently required. A qualified electrician should do the work.

6.8 AFCI CONDITIONS (ARC FAULT CIRCUIT INTERRUPTERS) [Inspected]

We recommend installation of AFCIs as part of an electrical system upgrade.

6.9 SUB PANEL(S) [Inspected]

7. Heating and Cooling

Our inspection of the heating and cooling system included a visual examination of the system's major components to determine defects, excessive wear, and general state of repair. Weather permitting, our inspection of a heating or cooling system includes activating it via the thermostat and checking for appropriate temperature response. Our inspection does not include disassembly of the furnace; therefore heat exchangers are not included in the scope of this inspection. Ceiling fans are not typically inspected as they are not within the scope of the inspection.

6. Electrical

Styles & Materials

Electrical Service Conductors: Overhead Service	Service Ampacity: 100 AMP	Circuit Protection Type: Circuit Breakers and Fuses
Branch Wiring: Copper	Wiring Type(s): Conduit	Main Panel Location: Exterior
Main Disconnect Location: In A Weather Tight Enclosure Near The Electric Meter	Grounding Type: Not Applicable	GFCI's Installed: None Present
Arc Fault Protection Present?: No	Sub Panel Location: Exterior Extra Info : Inside main panel cabinet	Sub Panel Ampacity: Capacity by Shutoff Extra Info : 35 Amps Per Unit

Inspection Items

6.0 **IMPORTANT CLIENT INFORMATION** [Inspected]

Testing the function of the main disconnect is not in the scope of this inspection. Determining if various electrical circuits will support the use of high load appliances (i.e. hair dryers, toasters, microwave ovens, space heaters, etc.) and testing the overcurrent protective protection to see if they 'trip', is beyond the scope of this inspection. We typically test not less than one outlet per room. Wiring devices blocked by furniture or personal goods will not be tested.

We strongly recommend against plugging any freezer or refrigerator into any electrical receptacle that is protected by a GFCI receptacle or circuit breaker. GFCI breakers and receptacles are prone to "nuisance tripping." If this happens, the refrigerator or freezer will shut down, and perishables can spoil.

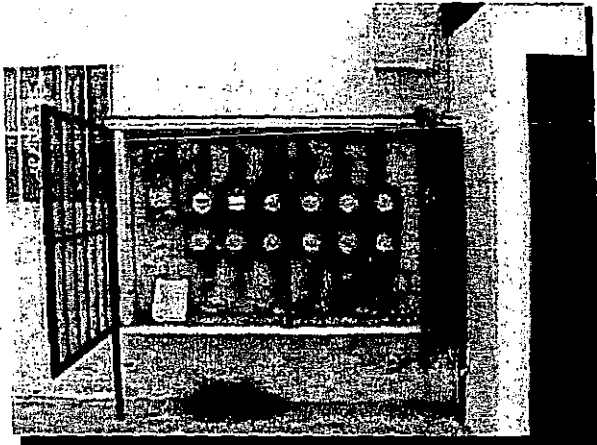
6.1 **ELECTRICAL INSPECTION LIMITATIONS** [Inspected]

The light fixtures on the outside walls of the structure were tested when possible. Testing the operation of the landscape lighting, including any low voltage lighting systems, is beyond the scope of this inspection.

6.2 **SERVICE ENTRANCE CONDUCTORS and EQUIPMENT** [Inspected]

6.3 **MAIN DISTRIBUTION PANEL and CIRCUIT BREAKERS** [Inspected]

- ☒ (1) The slot(s) to accommodate circuit breakers are open in the main service panel cover, or "dead-front." These openings could allow a person to come in contact with "live" electrical components inside the panel. The holes should be closed with a special snap-in filler plate or plug made for this purpose.



6.3 Picture 1

7. Heating and Cooling**Styles & Materials**

Number of Heat Systems: One	Heat Type: Wall Furnace	Heat Energy Source: Natural gas
Heat System Brand: None Extra Info : Various manufactures	Heat System Location: Hallway Closet Extra Info : Main living areas	Furnace Flue: Metal
Heat Source in Each Room: No		

Inspection Items**7.0 IMPORTANT CLIENT INFORMATION** [Inspected]

The condensate drain terminates at a proper location on the exterior of the building. Water testing the condensate drain line is beyond the scope of this inspection. Condensate will drip out this termination point on the exterior of the building while operating the air conditioning system.

A duct system is generally defined as the continuous system of pipes through which conditioned or return air circulates within a structure. The system is usually considered to include the plenum, duct connections, boots, registers, fans, and all other air-handling and air moving equipment with exclusion of the furnace itself.

The plenum is the portion of the ductwork attached directly to the furnace which acts as the termination or collector point for all the individual supply or return ducts attached to it.

Inspection of gas fired systems includes combustion air provision, venting, energy source connections and air distribution system.

Inspection of compressed gas refrigeration systems (A/C) includes visual inspection of the compressor/condenser, refrigerant lines, air distribution system and condensate drain system. We do not test amperage draw or refrigerant pressures. A full technical evaluation of the condition of central air conditioning equipment requires extensive invasive testing that is beyond the scope of this inspection. It is not within the scope of this inspection to determine the optimum design capacity of the cooling equipment. The current air conditioning system may not be adequately sized to cool the house and/or any space addition.

Inspection of heat pump systems includes visual inspection of the compressor/condenser and the distribution system. The non-seasonal cycle of heat pumps was not tested. Industry standards recommend not running the heating cycle in warm seasons or the cooling cycle in cold weather. Typically, a satisfactory test in either the heating or cooling mode verifies all of the major components of the system are functioning, with the exception of the refrigerant reversing valve. Some heat pumps are equipped with emergency electric heat strips (located in the air handler). Testing of the emergency heat system is not in the scope of this inspection.

7.1 HEATING and COOLING INSPECTION LIMITATIONS [Inspected]

7. Heating and Cooling

The design and construction of a typical modern furnace heat exchanger prevents visual access to most of its surfaces. Disassembling a furnace (except for removing panels used for routine servicing) is beyond the scope of this inspection. Therefore, our view of these heat exchangers is necessarily limited. The inspection and evaluation of the condition of the cooling system was limited to visible components and their basic functions. We did not test amperage draw or refrigerant pressures. A full technical evaluation of the condition of central air conditioning equipment requires extensive invasive testing that is beyond the scope of this inspection. The thermostat(s) is a programmable device with many options for setback settings, timed events, etc... We made no attempt to test all of the functions of such thermostats. If you have any concerns, a more exhaustive and invasive inspection can be done by a qualified HVAC technician, who could remove burners, fan, or plenum as needed to gain access to all the components. The evaporator coil can act as an air filter, collecting dirt and dust that can circulate through the building. During cooling season, the dirt can clog the coil and block airflow, reducing the efficiency of the system. Have an HVAC technician clean the coil once a year. Refrigerant lines connect the evaporator coil and the condenser in an air conditioning or heat pump system. The hot side of the line is the conduit through which collected heat energy from the living area is conveyed to the condenser outdoors. Normally, the cold, (also called the suction, or return line) is the larger of the two. It should be insulated along its entire length.

7.2 HEATING SYSTEM(S) [Inspected]**8. Attic**

Our inspection of the readily accessible areas of the attic included a visual examination to determine any signs of defects, excessive wear, and general state of repair. When low clearance, framing design or obstructions, deep insulation and mechanical components prohibit walking safely in an unfinished attic, inspection is conducted from the available service platforms or access openings only.

Styles & Materials

Method Used to Observe Attic: Inaccessible	Attic Access: No Storage Extra Info : None	Attic Insulation: None Extra Info : Not visible
Attic Ventilation: Gable Vents		

Inspection Items**8.0 IMPORTANT CLIENT INFORMATION [Inspected]**

When inspections are conducted shortly after or during periods of prolonged rain, active roof leaks can often be identified by dampness at the interior of the structure. See the Introduction Section of this report for weather conditions at the time of this inspection. Most inspections, however, are not conducted under wet weather conditions and in such cases we cannot determine whether a leak is active or not. Further, some leaks occur only under severe or unusual wind driven conditions. Even during prolonged rain, an inspection may not reveal the exact circumstances under which water entry occurs.

8.1 ATTIC INSPECTION LIMITATIONS [Inspected]

Areas of the attic were inaccessible or could not be visually inspected due to installed HVAC ductwork, installed air handlers, installed trusses/or framework that impair access and insulation

8.2 ATTIC ACCESS and GENERAL CONDITIONS [Inspected]**8.3 ATTIC MOISTURE and VENTILATION [Inspected]****8.4 ATTIC INSULATION [Inspected]****9. Garage**

Our inspection of the garage included a visual examination of the readily accessible portions of the walls, ceilings, floors, vehicle and personnel doors, steps and stairways, fire resistive barriers, garage door openers and hardware if applicable.

Styles & Materials

Garage Door Type: N/A	Garage Type: Detached	
---------------------------------	---------------------------------	--

Inspection Items

9. Garage**9.0 IMPORTANT CLIENT INFORMATION** [Inspected]

Inspection of this area was limited to the surface coverings. The construction materials and manner of installation are inaccessible and concealed from view.

9.1 GARAGE INSPECTION LIMITATIONS [Inspected]**9.2 GARAGE FLOOR** [Inspected]**10. Interiors**

Our inspection of the interior included a visual examination for structural and safety deficiencies. Please note that only a representative sample of accessible components was inspected.

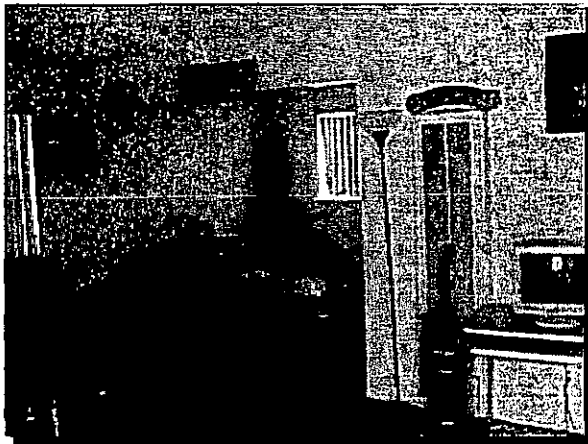
Styles & Materials

Ceiling Materials: Sheetrock/Drywall/Gypsum Board	Wall Material: Sheetrock/Drywall/Gypsum Board	Floor Covering(s): Carpet Sheet Vinyl Vinyl Tile
Window Material: Exposed Aluminum Frame	Primary Window Type/Design: Sliding	Interior Door Type: Wood Panel
Smoke Detectors Present: Yes	Steps: Concrete	Stairway Railings: Handrail-Yes

Inspection Items**10.0 IMPORTANT CLIENT INFORMATION** [Inspected]

Interior inspection includes the readily accessible portions of the walls, ceilings, floors, doors, windows, cabinetry, countertops, steps, stairways, balconies, railings and absence of smoke alarms. Not included in the scope of inspection are cosmetic conditions of floor and wall covering or determination of failed seals in insulated windows and doors.

Inspection of fireplaces (if installed) includes: Chimney exterior, spark arrestor, firebox, damper and hearth extension. Inspection of chimney interiors requires specialized equipment and is beyond the scope of this inspection.



10.0 Picture 1

10.1 LIMITATIONS to the INTERIOR INSPECTION [Inspected]

10. Interiors

Most local jurisdictions which subscribe to one of the nationally recognized building codes have set minimum standards for alternate egress from bedrooms. Bedrooms which meet these local standards for egress are considered to be "conforming", while all other rooms cannot be eligible to be considered "legal" as bedrooms. Since a professional home inspection should never be construed as an inspection for compliance with any government adopted code or regulation, your inspector has not attempted to determine if any rooms are, or are not, "conforming" bedrooms.

We tested a representative sample of electric fixtures such as receptacles, switches and lights, but did not test every one. Electric fixtures are often found to be inoperable, or blocked by personal goods.

The general condition of floor covering in this property is not included within the scope of this inspection. We report only those floor covering conditions that are significant or indicative of safety or other building system problems.

A View Of Windows Because it is impossible during the relatively brief time of your building inspection to discover all possible or potential faults with all of the windows, we have prepared this information for the express purpose of enhancing the knowledge and refining the expectations of our Inspection clients. Our intent to give you an overview of the current condition of the windows, which may indicate need for general repairs, not a detailed listing of deficiencies.

FREQUENTLY ASKED QUESTIONS ABOUT WINDOWS Will all the windows in the building be inspected? Not normally. In occupied buildings (particularly with curtains, blinds or shades on the windows) we do not inspect every window. In fact, if most windows are concealed (covered or inaccessible) we may not inspect most windows. In unoccupied buildings, we will inspect a representative sample of windows. Do you operate all the windows that you inspect? No. We only check a representative sample of the windows. Our ability to operate windows is influenced by their accessibility, which can be impeded by furniture, personal property in the room, or curtains or blinds over the windows. Will the inspector find all of the breached seals in the windows he/she inspects? No. Physical damage to seals (usually breached seals) in double glazed windows cannot always be detected in a visual inspection. Typically, one has to look for symptoms such as fogging or staining between the layers of glass. Since staining can look a lot like dirt, and since fogging only occurs under certain conditions, the fogging caused by a breached seal is not always evident. You may find that the symptoms of breached seals become apparent to you after you have occupied the structure. What are the consequences of a breached seal in a double glazed window? A small breach in a double glazed window seal will not necessarily reduce the insulating value or view through it. Usually, the most significant problem is the appearance of the window. We know of no instances where the water vapor symptoms from a breached seal have ever gone away permanently. Once a seal is breached, the intrusion of water vapor typically increases. The only permanent cure for a breached seal is replacement of the damaged window unit. If breached seals cannot usually be detected during this inspection, then how can a buyer be confident that this condition does not exist in one or more windows or doors? Try this: Hold a piece of ice against the glass. If water drops form on the inside of the glass (where you can't wipe it off), the seal is breached. This test is beyond the scope of our inspection.

Since ceiling fan mounting boxes are concealed in the ceiling, they are inaccessible and cannot be inspected. Proper mounting of ceiling fans require the use of specially-designed boxes which must be properly secured to the ceiling structure. Proper mounting is necessary to ensure that the fan does not fall. If you have any doubt about any ceiling fan installation, we recommend a thorough check by a technician familiar with the manufacturer's installation instructions.

10.2 GENERAL COMMENTS ABOUT THE INTERIOR [Inspected]

(1) In addition to any specific rooms noted, we inspected all habitable rooms. These usually include the living room, dining room, family room, den, bedrooms, utility room, etc., in addition to the kitchen, bathrooms, laundry area and garage, as applicable.

Egress windows are generally any type of operable window that, by virtue of its location and the size of its operable sash, is large enough to provide an alternate exit from a building in an emergency. The local jurisdiction and building standards establish which locations, typically sleeping rooms require egress windows with minimum standards for their openings and sill height above the floor.

10 Interiors



(2)

Unit	Comments
1	<ol style="list-style-type: none"> 1. Wall Heater < 20 years old. 2. Bedroom window 56" off floor, 94" wide 3. Kitchen wall damaged above sink 4. Bathroom shower escutcheon is loose 5. Bathroom tub overflow plate is loose.
2	<ol style="list-style-type: none"> 1. Wall Heater < 10 years old. 2. Smoke Detector not functioning. 3. Bathroom sink coming away from the wall.
3.	<ol style="list-style-type: none"> 1. Wall Heater < 20 years old. 2. Kitchen window latch is broken 3. Kitchen exhaust fan not functioning 4. Kitchen – Range left side burners don't lite. 5. Bathroom tub/shower hot water valve handle is missing.
4	<ol style="list-style-type: none"> 1. Wall Heater > 20 years old. 2. Kitchen exhaust fan not functioning.
5	<ol style="list-style-type: none"> 1. Wall Heater < 20 years old. 2. Bedroom window 43 ½" above floor, 70" wide. 3. Bedroom has security bars with inside latches. 4. No Smoke Detector.
6	<ol style="list-style-type: none"> 1. Wall Heater < 10 years old. 2. Kitchen cabinet drawer is missing. 3. Kitchen – No exhaust fan. 4. Bathroom – toilet loose at the floor. <ol style="list-style-type: none"> 1. Bathroom tub/shower hot water valve not working. 2. Bathroom tub/shower surround is bad, soap dish missing, missing grout/caulking, water damage at the window.
7	<ol style="list-style-type: none"> 1. Wall Heater < 20 years old. 2. Smoke detector not working. 3. Garbage disposal not functioning. 4. Kitchen – exhaust fan is blocked.
8	<ol style="list-style-type: none"> 1. Wall Heater < 20 years old. 2. Smoke detector not working. 3. Bathroom – Shower head escutcheon is loose. 4. Bathroom water damage at wall between tub and sink.
9.	<ol style="list-style-type: none"> 1. Wall Heater < 20 years old. 2. Entry door knob is loose. 3. Bathroom – shower head escutcheon is loose. 4. Bathroom gap at the tub spout and wall.
10	<ol style="list-style-type: none"> 1. Wall Heater < 10 years old. 2. No Smoke Detector. 3. Kitchen – Exhaust fan not functioning. 4. Bathroom – Shower head escutcheon is loose. 5. Entry door knob is loose.
11	<ol style="list-style-type: none"> 1. Wall Heater < 20 years old. 2. Bedroom window 44" off floor and 70" wide 3. Smoke detector not working. 4. Bathroom – Has vanity cabinet.

10.3 CEILINGS and WALLS [Inspected]

10.4 FLOORS [Inspected]

10. Interiors

- 10.5 **WINDOWS** [Inspected]
10.6 **DOORS AND CLOSETS** [Inspected]
10.7 **SMOKE DETECTOR(S)** [Inspected]
10.8 **STAIRWAY(S) AND RAILING(S)** [Inspected]

11. Kitchen

Our inspection of the kitchen included a visual examination of the readily accessible components to determine defects, excessive wear, and general state of repair. We tested basic, major built-in appliances using normal operating controls. Accuracy and/or function of clocks, timers, temperature controls and self cleaning functions on ovens is beyond the scope of our testing procedure. Refrigerators or other appliances were not tested or inspected unless specifically noted.

Styles & Materials

Sink: 1 Bowl	Garbage Disposall: Yes	Countertop: Ceramic Tile
Cabinetry: Wood	GFCI Outlets: No - Recommend Upgrade	Microwave: Microwave Not installed
Refrigerator: Yes	Dishwasher Installed: No	Exhaust/Range Hood: Ceiling Vent Fan that Exhaust to the Exterior
Cooking Fuel: Natural Gas	Range/Oven: Natural Gas	Range Anti-tip Device: No

Inspection Items**11.0 IMPORTANT CLIENT INFORMATION** [Inspected]

Confirming the accuracy and function of clocks, timers, temperature controls and the self-cleaning function of ovens is beyond the scope of this inspection.

Some local utility providers and private contractors offer annual service contracts covering gas or electric appliances or may be provided by a Home Warranty. Consult with the utility provider and/or contractor regarding cost, scope of coverage and the availability of such programs.

Water filtration systems (if installed) are checked for water flow and leakage only. Testing for water quality is beyond the scope of this inspection.

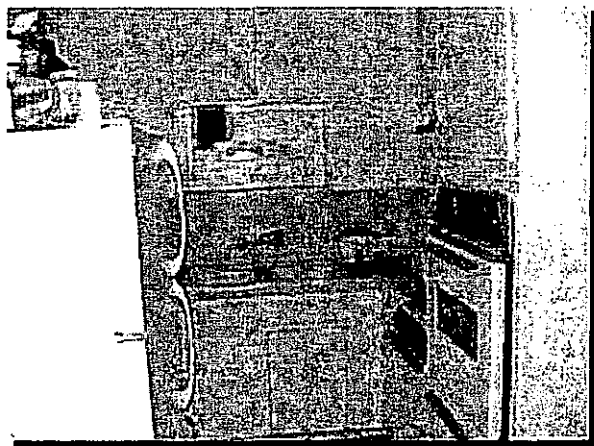
11.1 KITCHEN INSPECTION LIMITATIONS [Inspected]

11: Kitchen

Tests for leaks of microwaves from the appliance door or housing is not included in this inspection. If we tested the appliance, it was to simply determine if it will heat water/moisture placed into the unit. We cannot determine if the various cycles of the device function as designed. Because of the potential for microwave leakage, client is advised to have the appliance periodically tested and serviced by a qualified appliance service technician.

The refrigerator and related equipment were not evaluated and is specifically excluded from this report.

Physical and time constraints prevent the testing of oven self-cleaning operations. Such testing is beyond the scope of this inspection. It could be done by a competent appliance repair technician.



11.1 Picture 1

- 11.2 **SINK(S) and GROUT/CAULKING** [Inspected]
- 11.3 **COUNTERTOP and CABINETRY** [Inspected]
- 11.4 **RANGE(S), OVEN(S), and COOKTOP(S)** [Inspected]
- 11.5 **GARBAGE DISPOSAL(S)** [Inspected]
- 11.6 **RANGE HOOD/EXHAUST** [Inspected]
- 11.7 **REFRIGERATOR** [Inspected]

12: Bathrooms

Our inspection of the bathrooms included a visual examination to determine if there were any active leaks, water damage, deterioration to floors and walls, proper function of components, excessive or unusual wear and general state of repair. Bathroom fixtures are run simultaneously to check for adequate water pressure and volume. Unusual bath features like steam generators or saunas are not inspected unless specifically discussed in this report.

Styles & Materials

Number of Bathrooms: One	Countertop Material: Ceramic Tile	Tub: Stamped Steel with a porcelain finish
Bathroom Ventilation: Window	GFCI Protected Outlets: None - Recommend Install	Shower Wall Material: Ceramic Tiles

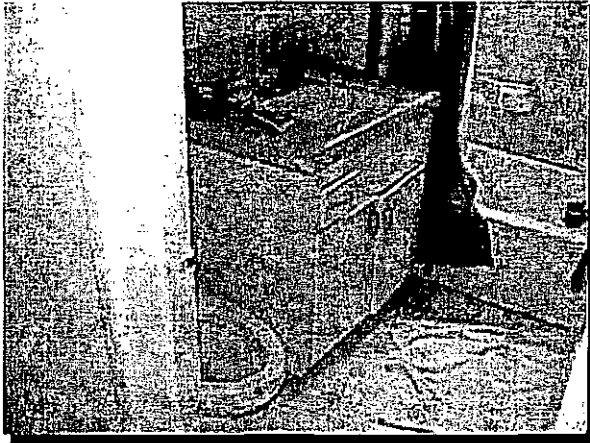
Inspection Items

- 12.0 **IMPORTANT CLIENT INFORMATION** [Inspected]

12. Bathrooms

Operating angle stops that have been shut off for some time may cause them to leak. Experienced inspectors do not operate them during a standard home inspection. If you chose to check any valve that has not been operated in the past six months, be prepared to deal with water leaks.

A water test of the shower pans is beyond the scope of this inspection. However, the inspector will examine accessible areas (if any) under the shower(s) for the presence of wood-destroying organisms and moisture-related damage.



12.0 Picture 1

- 12.1 WASH BASIN(S) [Inspected]
- 12.2 COUNTERTOP and CABINETRY [Inspected]
- 12.3 TOILET(S) [Inspected]
- 12.4 SHOWER WALLS and ENCLOSURE [Inspected]
- 12.5 BATHTUB(S) [Inspected]
- 12.6 FLOOR [Inspected]
- 12.7 BATHROOM VENTILATION [Inspected]

13. Laundry

Testing of clothes washers, dryers, water valves and drains are not within the scope of this inspection. We inspect the general condition and accessibility of the visible water supply, drain and electric and/or gas connections and visible portions of the dryer vent. If present, laundry sink features will be inspected.

Styles & Materials

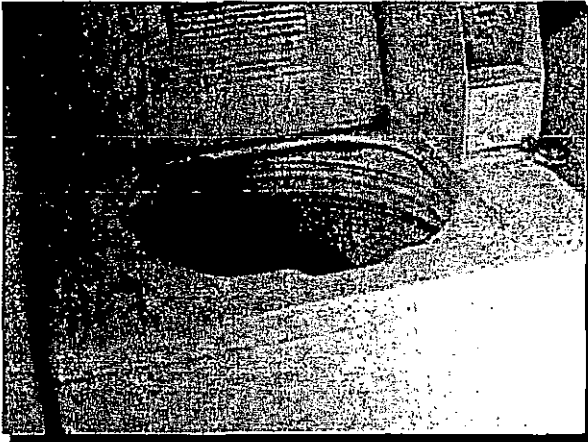
Dryer Power Source: Gas	Clothes Dryer Vent: Vents to Exterior	Visible Clothes Dryer Vent Material: Flexible Metal
Washing Machine Water Shut Off Valve: Present	Laundry Ventilation: Window	GFCI Protection: No

Inspection Items

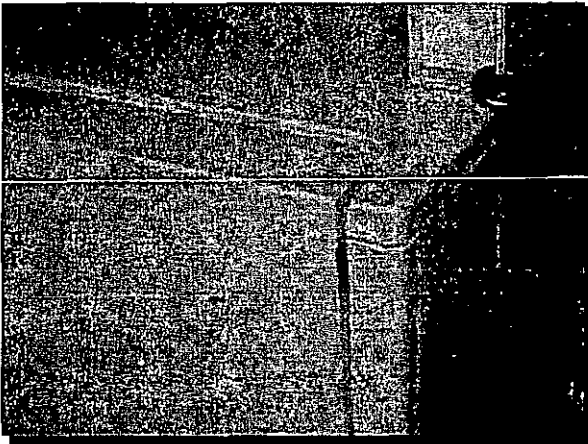
- 13.0 LAUNDRY APPLIANCES and PLUMBING INSPECTION LIMITATIONS [Inspected]
- 13.1 CLOTHES WASHER and DRYER HOOK-UPS [Inspected]
- 13.2 CLOTHES WASHER [Inspected]

13: Laundry

Washer



13.2 Picture 1

13.3 CLOTHES DRYER [Inspected]
Dryer

13.3 Picture 1

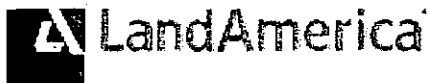
13.4 LAUNDRY AREA VENTILATION [Inspected]

- ☒ (1) Water damage to laundry room walls and ceiling. Repair as needed.
(2) Laundry room light fixture has no globe. This is a safety issue. Protect light by installing a protective globe.

13.5 DRYER VENT [Inspected]

Prepared Using HomeGauge <http://www.homegauge.com> SHGI (c) 2000-2007 : Licensed To LandAmerica Property Inspection Services

000823

**INVOICE**

LandAmerica Assessment Corporation
P.O. Box 532, Laveen, AZ 85339
Inspected By: Michael Goodrich

Inspection Date: 7/9/2007
Report ID:

Customer Info:	Inspection Property:
Bill Clarke John Clarke PO Box 261 Jamul CA 91935 Customer's Real Estate Professional:	835 Thomas San Diego, Ca 92109

Inspection Fee:

Service	Price	Amount	Sub-Total
			Tax \$0.00
			Total Price \$1980.00

Payment Method: Check
Payment Status: Invoice Sent
Note: Prior To Report Release

Agency: CITY OF SAN DIEGO

PROJECT NO.: 84312

DATE: October 20, 2005

Action/Permit(s): Coastal Development Permit/ Tentative Map

Permit No.

Description of Activity: **835 Thomas Ave.** A Coastal Development Permit/ Tentative Map to allow conversion of 11 existing residential units to condominiums.

Location of Activity: 835 Thomas Avenue, Pacific Beach Community Plan Area

1. ☐ This activity is **EXEMPT FROM CEQA** pursuant to:
- ☐ Section 15060(b)(3) of the State CEQA Guidelines (the activity is not a project as defined in Section 15378).
2. ☒ This project is **EXEMPT FROM CEQA** pursuant to State CEQA Guidelines Section checked below:

**ARTICLE 19 of GUIDELINES
CATEGORICAL EXEMPTIONS**
(Incomplete list)

Sec.	Short Name
<input checked="" type="checkbox"/> 15301 1	Existing Facilities
<input type="checkbox"/> 15302 2	Replacement or Reconstruction
<input type="checkbox"/> 15303 3	New Construction or Conversion of Small Structures
<input type="checkbox"/> 15304 4	Minor Alterations to Land
<input type="checkbox"/> 15305 5	Minor Alterations in Land Use Limitations
<input type="checkbox"/> 15306 6	Information Collection
<input type="checkbox"/> 15311 11	Accessory Structures
<input type="checkbox"/> 15312 12	Surplus Government Property Sales
<input type="checkbox"/> 15315 15	Minor Land Divisions
<input type="checkbox"/> 15317 17	Open Space Contracts or Easements
<input type="checkbox"/> 15319 19	Annexation of Existing Facilities and Lots for Exempt Facilities
<input type="checkbox"/> 15325 25	Transfer of Ownership of Interest in Land to Preserve Open Space
<input type="checkbox"/> Other	


**ARTICLE 18 of GUIDELINES
STATUTORY EXEMPTIONS**
(Incomplete list)

Sec.	Short Name
<input type="checkbox"/> 15261	Ongoing Project
<input type="checkbox"/> 15262	Feasibility and Planning Studies
<input type="checkbox"/> 15265	Adoption of Coastal Plans and Programs
<input type="checkbox"/> 15268	Ministerial Projects
<input type="checkbox"/> 15269	Emergency Projects
<input type="checkbox"/> Other	

It is hereby certified that the City of San Diego has determined the above activity to be exempt:

Distribution:

Exemption file
Project Manager


Kenneth Teasley, Senior Planner
Environmental Analysis Section

RESOLUTION NUMBER R-301723

ADOPTED ON JULY 31, 2006

WHEREAS, on September 19, 2005, William G. Clarke and Joanne E. Clarke, submitted an application on behalf of the owner, Clarke Trust, to the City of San Diego for approval of a Coastal Development Permit/Tentative Map to convert 11 existing residential apartment units located at 835 Thomas Avenue into individually owned condominium units (hereinafter referred to as the 835 Thomas Avenue Project); and

WHEREAS, said 835 Thomas Avenue Project was assigned Project Number 84312 by the City of San Diego Development Services Department; and

WHEREAS, on October 5, 2005, the City of San Diego, through the Development Services Department, determined that the application for Project Number 84312 was complete and, therefore, was deemed complete on said date; and

WHEREAS, on October 20, 2005, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the 835 Thomas Avenue Project is a Class 1, Existing Facilities Project, Categorically Exempt from the California Environmental Quality Act [CEQA] (Public Resources Code section 21000 et. seq.) under CEQA Guideline section 15301(k) (California Code of Regulations section 15000, 15301(k)); and


WHEREAS, in accordance with CEQA (Public Resources Code section 21151(c)), and Section 112.0520 of the San Diego Municipal Code, Citizens for Responsible Equitable Environmental Development, care of Cory J. Briggs, Briggs Law Corporation (hereinafter,

BE IT FURTHER RESOLVED, that the City Council finds, based upon the representations of City staff, public testimony and the whole record before it, the following:

1. There is substantial evidence, in light of the whole record, supporting the Environmental Determination to Categorically Exempt the 835 Thomas Avenue Project under the provisions of CEQA Guidelines section 15301(k);
2. A fair argument, based upon evidence found in the whole record, has not been established demonstrating that exceptions to the Categorical Exemption, within the meaning of CEQA and the CEQA Guidelines (California Code of Regulations section 15300.2), exist with respect to the 835 Thomas Avenue Project; and
3. Based upon substantial evidence in light of the whole record, the 835 Thomas Avenue Project would not result in any significant or potentially significant impacts or effects on the environment.

BE IT FURTHER RESOLVED, that the Environmental Determination of the Development Services Department is sustained, and the appeal of Citizens for Responsible Equitable Environmental Development, care of Cory J. Briggs, Briggs Law Corporation, is denied.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Karen Heumann
Assistant City Attorney

KH:jb:ao
08/23/06
Or. Dept: Clerk
R-2007-162



City of San Diego
Development Services
1222 First Ave. 3rd Floor
San Diego, CA 92101
(619) 446-5210

RECEIVED
CITY CLERK'S OFFICE
07 SEP 10 PM 2:57

Development Permit/ Environmental Determination Appeal Application

FORM
DS-3031
MARCH 2007

SAN DIEGO, CALIF.

See Information Bulletin 505, "Development Permits Appeal Procedure," for information on the appeal procedure.

1. Type of Appeal:

- ☐ Process Two Decision - Appeal to Planning Commission
☐ Process Three Decision - Appeal to Planning Commission
☒ Process Four Decision - Appeal to City Council
☐ Environmental Determination - Appeal to City Council
☐ Appeal of a Hearing Officer Decision to revoke a permit

2. Appellant Please check one ☐ Applicant ☐ Officially recognized Planning Committee ☒ "Interested Person" (Per M.C. Sec. 113.0103)

Name:
Robert J. Bateman, San Diego Land Surveying & Engineering, Inc.

Address: 9665 Chesapeake Dr., Suite 445 City: San Diego State: CA Zip Code: 92123 Telephone: 858-565-8362 ext. 101

3. Applicant Name (As shown on the Permit/Approval being appealed). Complete if different from appellant.

William G. Clarke

4. Project Information

Permit/Environmental Determination & Permit/Document No.:

PTS NO. 84312

Date of Decision/Determination:

August 30, 2007

City Project Manager:

Glenn Gargas

Decision (describe the permit/approval decision):

Approved by Planning Commission

5. Grounds for Appeal (Please check all that apply)

- ☐ Factual Error (Process Three and Four decisions only)
☒ Conflict with other matters (Process Three and Four decisions only)
☒ Findings Not Supported (Process Three and Four decisions only)
☐ New information (Process Three and Four decisions only)
☐ City-wide Significance (Process Four decisions only)

Description of Grounds for Appeal (Please relate your description to the allowable reasons for appeal as more fully described in Chapter 11, Article 2, Division 5 of the San Diego Municipal Code. Attach additional sheets if necessary.)

This project was deemed complete in September of 2005

Requirements for Building Condition Reports, Landscaping Plans and Mandatory Private Improvements prior to Final Map approval were not required or anticipated. Owner has plans to hold the property long-term and does not wish to evict tenants to complete work for Final Map approval within 6 years.

6. Appellant's Signature: I certify under penalty of perjury that the foregoing, including all names and addresses, is true and correct.

Signature:

Robert J. Bateman

Date:

9-10-07

Note: Faxed appeals are not accepted. Appeal fees are non-refundable.

000828

DETERMINATION OF: ENVIRONMENTAL EXEMPTION

Pursuant to The California Environmental Quality Act (CEQA) and State CEQA Guidelines

Agency: CITY OF SAN DIEGO

PROJECT NO.: 84312

DATE: October 20, 2005

Action/Permit(s): Coastal Development Permit/ Tentative Map

Permit No.

Description of Activity: **835 Thomas Ave.** A Coastal Development Permit/ Tentative Map to allow conversion of 11 existing residential units to condominiums.

Location of Activity: 835 Thomas Avenue, Pacific Beach Community Plan Area

1. ☐ This activity is **EXEMPT FROM CEQA** pursuant to:

☐ Section 15060(b)(3) of the State CEQA Guidelines (the activity is not a project as defined in Section 15378).

2. ☒ This project is **EXEMPT FROM CEQA** pursuant to State CEQA Guidelines Section checked below:

**ARTICLE 19 of GUIDELINES
CATEGORICAL EXEMPTIONS**
(Incomplete list)

Sec.	Short Name
<input checked="" type="checkbox"/> 15301	1 Existing Facilities
<input type="checkbox"/> 15302	2 Replacement or Reconstruction
<input type="checkbox"/> 15303	3 New Construction or Conversion of Small Structures
<input type="checkbox"/> 15304	4 Minor Alterations to Land
<input type="checkbox"/> 15305	5 Minor Alterations in Land Use Limitations
<input type="checkbox"/> 15306	6 Information Collection
<input type="checkbox"/> 15311	11 Accessory Structures
<input type="checkbox"/> 15312	12 Surplus Government Property Sales
<input type="checkbox"/> 15315	15 Minor Land Divisions
<input type="checkbox"/> 15317	17 Open Space Contracts or Easements
<input type="checkbox"/> 15319	19 Annexation of Existing Facilities and Lots for Exempt Facilities
<input type="checkbox"/> 15325	25 Transfer of Ownership of Interest in Land to Preserve Open Space
<input type="checkbox"/> Other	

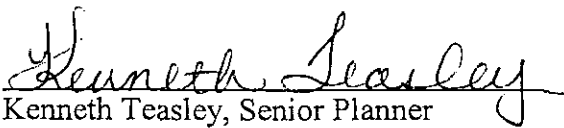
**ARTICLE 18 of GUIDELINES
STATUTORY EXEMPTIONS**
(Incomplete list)

Sec.	Short Name
<input type="checkbox"/> 15261	Ongoing Project
<input type="checkbox"/> 15262	Feasibility and Planning Studies
<input type="checkbox"/> 15265	Adoption of Coastal Plans and Programs
<input type="checkbox"/> 15268	Ministerial Projects
<input type="checkbox"/> 15269	Emergency Projects
<input type="checkbox"/> Other	

It is hereby certified that the City of San Diego has determined the above activity to be exempt:

Distribution:

Exemption file
Project Manager


Kenneth Teasley, Senior Planner
Environmental Analysis Section

00829

NOTICE OF EXEMPTION

original
to Pessy
on 12/31/07

TO: ☒ RECORDER/COUNTY CLERK
P.O. BOX 1750, MS A-33
1600 PACIFIC HWY, ROOM 260
SAN DIEGO, CA 92101-2422

FROM: CITY OF SAN DIEGO
DEVELOPMENT SERVICES DEPARTMENT
1222 FIRST AVENUE, MS 501

☐ OFFICE OF PLANNING AND RESEARCH
1400 TENTH STREET, ROOM 121
SACRAMENTO, CA 95814

PROJECT NO.: 84312

PROJECT TITLE: 835 THOMAS AVENUE TENTATIVE MAP

PROJECT LOCATION-SPECIFIC: 835 Thomas Avenue, Pacific Beach, Community Plan Area

PROJECT LOCATION-CITY/COUNTY: San Diego, San Diego County

DESCRIPTION OF PROJECT: A Tentative Map & Coastal Development Permit to convert eleven existing residential units to condominiums.

NAME OF PUBLIC AGENCY APPROVING PROJECT: City of San Diego

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: William G. Clarke
P) Box 549
Jamul, California 91935
(619) 669-1706

EXEMPT STATUS: (CHECK ONE)

- ☐ MINISTERIAL (SEC. 15268)
☐ DECLARED EMERGENCY [SEC. 15269 (A)]
☐ EMERGENCY PROJECT [SEC. 15269 (B) AND (C)]
☒ CATEGORICAL EXEMPTION (STATE TYPE AND SECTION NUMBER): Existing Facilities, Section 15301
☐ OTHER (STATE TYPE AND SECTION NUMBER):

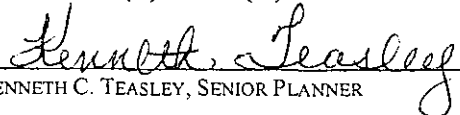
REASONS WHY PROJECT IS EXEMPT: The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations.

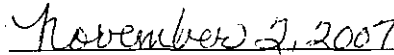
CONTACT PERSON: Kenneth Teasley

TELEPHONE: (619) 446-5390

IF FILED BY APPLICANT:

1. ATTACH CERTIFIED DOCUMENT OF EXEMPTION FINDING.
2. HAS A NOTICE OF EXEMPTION BEEN FILED BY THE PUBLIC AGENCY APPROVING THE PROJECT?
() YES (X) NO


KENNETH C. TEASLEY, SENIOR PLANNER


DATE

CHECK ONE:

- ☒ SIGNED BY LEAD AGENCY
☐ SIGNED BY APPLICANT

DATE RECEIVED FOR FILING: _____

PLANNING COMMISSION RESOLUTION NO. 4295-2 -PC
TENTATIVE MAP NO. 266188
835 THOMAS AVENUE TENTATIVE MAP - PROJECT NO. 84312

WHEREAS, WILLIAM G. CLARKE FAMILY TRUST, Applicant/Subdivider, and SAN DIEGO LAND SURVEYING AND ENGINEERING, INC., Engineer, submitted an application with the City of San Diego for a Tentative Map, No. 266188, for the conversion of an existing, two-story, eleven (11) residential dwelling unit apartment complex into condominiums and to waive the requirement to underground existing overhead utilities. The project site is located at 835 Thomas Avenue, on the south side of Thomas Avenue and east of Mission Boulevard, and is legally described as Lots 11 and 12, Block 262, Pacific Beach, Map Nos. 697, 854 and 932, in the RM-1-1 Zone, Coastal Overlay Zone (non-appealable), Coastal Height Limit Overlay Zone, Beach Parking Impact Overlay Zone and within the Pacific Beach Community Plan Area; and

WHEREAS, the Map proposes the subdivision of a 0.143 acre site into one (1) lot for a eleven (11) unit residential condominium conversion; and

WHEREAS, the project is exempt from environmental review pursuant to Article 19, Section 15301(k) of the California Environmental Quality Act (CEQA) on the basis that the facilities are existing; and

WHEREAS, a preliminary soils and geological reconnaissance report are waived by the City Engineering pursuant to the Subdivision Map Act and Section 144.0220 of the Municipal Code of the City of San Diego; and

WHEREAS, the subdivision is a condominium project as defined in Section 1350 et seq. of the Civil Code of the State of California and is filed pursuant to the Subdivision Map Act. The total number of condominium units is eleven (11) residential dwelling units; and

WHEREAS, on August 30, 2007, the PLANNING COMMISSION of the City of San Diego considered Tentative Map No. 266188, including the waiver of the requirement to underground existing overhead utilities, and pursuant to Sections 125.0440, 125.0444, and 144.0240 of the Municipal Code of the City of San Diego and Subdivision Map Act Section 66428, received for its consideration written and oral presentations, evidence having been submitted, and heard testimony from all interested parties at the public hearing, and the PLANNING COMMISSION having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED by the PLANNING COMMISSION of the City of San Diego, that it adopts the following findings with respect to Tentative Map No. 266188:

1. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code (Land Development Code Section 125.0440.b).

2. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources (Land Development Code Section 125.0440.h and State Map Act Section 66412.3).
3. Each of the tenants of the proposed condominium project has received, pursuant to State Map Act Section 66452.9, written notification of intention to convert at least 60 days prior to the filing of a tentative map (Land Development Code Section 125.0444 and State Map Act Section 66427.1(a)).
4. The project has been conditioned that the Subdivider will give each tenant and each person applying for the rental of a unit in such residential real property, all applicable notices and rights now or hereafter required by the State Map Act (Land Development Code Section 125.0444 and State Map Act Section 66427.1(a)).
5. The project has been conditioned that the Subdivider will give each tenant 10 days' written notification that an application for a public report will be, or has been, submitted to the Department of Real Estate, and that such report will be available on request (Land Development Code Section 125.0444 and State Map Act Section 66427.1(a)).
6. The project has been conditioned that the Subdivider will give each tenant of the proposed condominium project written notification within 10 days of approval of a final map for the proposed conversion (Land Development Code Section 125.0444 and State Map Act Section 66427.1(b)). If the subdivider chooses to provide affordable housing units, the subdivider shall enter into an affordable housing agreement with the Housing Commission, prior to recordation of the Final Map.
7. The project has been conditioned that the Subdivider will give each of the tenants of the proposed condominium project 180 days' written notice of intention to convert prior to termination of tenancy due to the conversion or proposed conversion (Land Development Code Section 125.0444 and State Map Act Section 66427.1(c)).
8. The project has been conditioned that the Subdivider will give each of the tenants of the proposed condominium project notice of an exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant. The right shall run for a period of not less than 90 days from the date of issuance of the subdivision public report pursuant to Section 11018.2 of the Business and Professions Code, unless the tenant gives prior written notice of his

or her intention not to exercise the right (Land Development Code Section 125.0444 and State Map Act Section 66427.1(d)).

9. The project was not financed by funds obtained from a governmental agency to provide for elderly, disabled, or low income housing (Land Development Code Section 125.0444.b).
10. For any project that was developed to provide housing for the elderly, disabled or to provide low income housing, provisions have been made to perpetuate the use for which the project was developed (Land Development Code Section 125.0444.c).
11. Each of the tenants of the proposed condominium project has received written notification of the project application for the condominium conversion at least 10 days after the application was deemed complete (Land Development Code 125.0431(a)(3)).
12. The project has been conditioned that the subdivider will give each person applying for the rental of a unit in such residential real property written notification that the project application for the condominium conversion was deemed complete (Land Development Code 125.0431(a)(3)).
13. The project has been conditioned that the subdivider will give each tenant a notice of termination of tenancy 60 days prior to being required to vacate the property. (Land Development Code Section 125.0431(a)(4)).
14. The project has been conditioned that the subdivider will provide a relocation assistance payment to all tenants of the project whose tenancy has terminated due to the condominium conversion. (Land Development Code Section 144.0505).
15. The project has been conditioned for the subdivider to satisfy the inclusionary housing requirements in accordance with Land Development Code Section 142.1306. (Land Development Code Section 144.0508).
16. The requested underground waiver of the existing overhead facilities, qualifies under the guidelines of Council Policy No. 600-25 *Underground Conversion of Utility Lines at Developers Expense* in that:
 - A. The conversion involves a short span of overhead facility (less than 600 feet in length).
 - B. The conversion is a requirement of a condominium conversion of an existing development and the conversion would not represent a logical extension to an underground facility.

17. That said Findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED that, based on the Findings hereinbefore adopted by the PLANNING COMMISSION, Tentative Map No. 266188, including the waiver of the requirement to underground existing overhead utilities, is hereby granted to William G. Clarke, Applicant/Subdivider, subject to the following conditions:

GENERAL

1. This Tentative Map will expire August 30, 2010.
2. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
3. Prior to the Tentative Map expiration date, a Final Map to consolidate the existing lots into one lot shall be recorded in the Office of the County Recorder.
4. The Final Map shall conform to the provisions of Coastal Development Permit No. 269513.
5. The applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, including, but not limited to, any to any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify applicant of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, applicant shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the applicant shall not be required to pay or perform any settlement unless such settlement is approved by applicant

6. The subdivider shall provide a Notice of Tenants Rights and Notices for Condominium Conversion, consistent with the Land Development Manual to be provided as follows:
 - a. For existing tenants, within 10 days of the project application for the *condominium conversion* being deemed complete; or
 - b. For prospective tenants, upon application for the rental of a unit in the proposed *condominium conversion*.
7. The Subdivider shall provide each tenant, and each person applying for the rental of a unit in such residential real property, all applicable notices and rights now or hereafter required by the State Map Act.
8. The Subdivider shall provide the tenants a Notice of Application for a Public Report at least 10 days prior to the submittal to the Department of Real Estate (DRB), pursuant to Section 66427.1(a) of the Subdivision Map Act.
9. The Subdivider shall provide each of the tenants of the proposed condominiums written notice of intention to convert at least 180 days prior to termination of tenancy due to the conversion or proposed conversion in conformance with Section 66427.1(c) of the Subdivision Map Act. The provisions of this subdivision shall not alter nor abridge the rights or obligations of the parties in performance of their covenants, including, but not limited to, the provision of services, payment of rent, or the obligations imposed by Sections 1941, 1941.1 and 1941.2 of the Civil Code.
10. The Subdivider shall provide each of the tenants of the proposed condominiums notification of their exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant, in conformance with Section 66427.1(d) of the State Map Act. The right shall run for a period of not less than 90 days from the date of issuance of the subdivision public report, pursuant to Section 11018.2 of the Business and Professions Code, unless the tenant gives prior written notice of his or her intention not to exercise the right.
11. The Subdivider shall provide the tenants of the proposed condominiums with written notification within 10 days or approval of a Final Map for the proposed conversion, in conformance with Section 66427.1(b) of the Subdivision Map Act.
12. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.

13. Prior to recordation of the Final Map, all onsite utilities serving the subdivision shall be undergrounded with appropriate permits. The applicant shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
14. The Subdivider shall provide each tenant, and each person applying for the rental of a unit in such residential real property, all applicable notices and rights now or hereafter required by the State Map Act.
15. The Subdivider shall provide the tenants a Notice of Application for a Public Report at least 10 days prior to the submittal to the Department of Real Estate (DRB), pursuant to Section 66427.1(a) of the Subdivision Map Act.
16. The Subdivider shall provide each of the tenants of the proposed condominiums written notice of intention to convert at least 180 days prior to termination of tenancy due to the conversion or proposed conversion in conformance with Section 66427.1(c) of the Subdivision Map Act. The provisions of this subdivision shall not alter nor abridge the rights or obligations of the parties in performance of their covenants, including, but not limited to, the provision of services, payment of rent, or the obligations imposed by Sections 1941, 1941.1 and 1941.2 of the Civil Code.
17. The Subdivider shall provide each of the tenants of the proposed condominiums notification of their exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant, in conformance with Section 66427.1(d) of the State Map Act. The right shall run for a period of not less than 90 days from the date of issuance of the subdivision public report, pursuant to Section 11018.2 of the Business and Professions Code, unless the tenant gives prior written notice of his or her intention not to exercise the right.
18. The Subdivider shall provide the tenants of the proposed condominiums with written notification within 10 days or approval of a Final Map for the proposed conversion, in conformance with Section 66427.1(b) of the Subdivision Map Act.

AFFORDABLE HOUSING

19. The Housing Commission carried out a tenant income survey pursuant to the City's Coastal Overlay Zone Affordable Housing Replacement Regulations (Municipal Code Sections 143.0810 through 143.0860). The applicant is required to pay an in-lieu fee of \$142,300.00 to the Housing Commission or provide two replacement studio units for low-income households, one

replacement studio unit for moderate-income households and two, one-bedroom unit for low-income households.

The applicant shall enter into a Coastal Affordable Housing Compliance Agreement with the Housing Commission prior to the approval of Final Map.

20. Prior to the recordation of the Final Map, the subdivider shall demonstrate conformance with the Municipal Code provisions for Tenant Relocation Benefits (Chapter 14, Article 4, Division 5), to the satisfaction of the City Manager and the Housing Commission.

ENGINEERING

21. The Final Map shall comply with the provisions of Coastal Development Permit No. 269513.
22. At the intersection of the two existing alleys at the southwest corner of the property, the subdivider shall dedicate a triangular area at the corner, 16 feet on each side, and shall be improved and included in the right-of-way.
23. Whenever street rights-of-way are required to be dedicated, it is the responsibility of the subdivider to provide the right-of-way free and clear of all encumbrances and prior easements. The subdivider must secure "subordination agreements" for minor distribution facilities and/or "joint-use agreements" for major transmission facilities.
24. The subdivider shall reconstruct the existing pedestrian ramp on the west side of the west alley, and construct a new pedestrian on the east side of the west alley, adjacent to the site on Thomas Avenue at the alley entrance, with current City Standard Drawing SDG-136 with truncated domes.
25. The subdivider shall repair the damaged sidewalk, maintaining the existing sidewalk scoring pattern, adjacent to the site on Thomas Avenue.
26. This project shall comply with all current street lighting standards according to the City of San Diego Street Design Manual (Document No. 297376, filed November 25, 2002) and the amendment to Council Policy 200-18 approved by City Council on February 26, 2002 (Resolution R-296141) satisfactory to the City Engineer. This may require (but not be limited to) installation of new street light(s), upgrading light from low pressure to high pressure sodium vapor and/or upgrading wattage.
27. The subdivider shall ensure that all onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The subdivider shall provide written confirmation from applicable utilities that the conversion has

taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.

28. Prior to recording a Final Map, the Subdivider shall provide an independent evaluation by a California registered architect or engineer licensed by the State of California to perform these services, prepared in accordance with the State of California Business & Professions Code (including Section 7195) of the existing conditions of the building to the satisfaction of the Development Services Department. This information shall include, but not be limited to: the structural integrity; mechanical; electrical; and plumbing systems of the building. The Subdivider also agreed to an additional "Construction Budget" of additional improvements to the property, which would augment the submitted Property Conditions Report, these additional improvements are listed in the submitted "JG Clarke Construction" Construction Budget letter dated August 22, 2007, and is part of Exhibit A. The applicant shall provide proof of compliance or other means to assure any recommendations to repair or replace those systems with a life of five years or less are completed to the satisfaction of the Development Services Department.

29. Prior to the recordation of the Final Map, the subdivider shall demonstrate conformance with the previously submitted landscape plan for proposed landscape improvements, to the satisfaction of the City Engineer.

MAPPING

30. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source will be the California Coordinate System, Zone 6, North American Datum of 1983 (NAD 83).

31. "California Coordinate System means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."

32. Every Final Map shall:

- a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.

- b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of Third Order accuracy or better. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.
- 33. The design of the subdivision shall include private easements, if any, serving parcels of land outside the subdivision boundary or such easements must be removed from the title of the subdivided lands prior to filing any parcel or final map encumbered by these easements.

SEWER AND WATER

- 34. Water and Sewer Requirements:
 - a. The subdivider shall install appropriate private back flow prevention devices on all existing and proposed water services (domestic, irrigation, and fire) adjacent to the project site in a manner satisfactory to the Water Department Director.
 - b. The subdivider shall provide a letter, agreeing to prepare CC&Rs for the operation and maintenance of all private water and sewer facilities that serve or traverse more than a single condominium unit or lot.

INFORMATION:

- The approval of this Tentative Map by the Planning Commission of the City of San Diego does not authorize the subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC Section 1531 et seq.).
- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), then the subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- Subsequent applications related to this Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.

- Any party, on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Tentative Map, may protest the imposition within 90 days of the approval of this Tentative Map by filing a written protest with the City Clerk pursuant to California Government Code Section 66020.

PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF
SAN DIEGO, CALIFORNIA, ON AUGUST 30, 2007, BY RESOLUTION NO. 4295-2 -
PC.

By

Glenn R. Gargas
Development Project Manager
Development Services Department

Job Order No. 42-5278

Rev 3/7/05 dcj

2008 SEP 10 10:30 AM

01 001 35 01 30

000840

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES
PERMIT INTAKE, MAIL STATION 501

WHEN RECORDED MAIL TO
PERMIT INTAKE
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 42-5278

COASTAL DEVELOPMENT PERMIT NO. 269513
835 THOMAS AVENUE TENTATIVE MAP – PROJECT NO. 84312
PLANNING COMMISSION

This Coastal Development Permit No. 269513 is granted by the Planning Commission of the City of San Diego to William G. Clarke and Joanne E. Clarke, Co-Trustees of Clarke Trust, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0702. The 0.25 acre site is located at 835 Thomas Avenue, in the RM-1-1 Zone, Coastal Overlay Zone (non-appealable), Coastal Height Limit Overlay Zone, within the Pacific Beach Community Planning Area. The project site is legally described as Lots 11 and 12, Block 262, Pacific Beach, Map Nos. 697, 854 and 932.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner /Permittee to divide an existing 11 unit apartment complex to be converted into 11 residential condominium units described and identified by size, dimension, quantity, type, and location on the approved exhibits, dated August 30, 2007, on file in the Development Services Department.

The project or facility shall include:

- a. Division of an existing two-story, 11 unit apartment complex, into 11 residential condominium units on a 6,250 square-foot property;
- b. Existing Landscaping;
- c. Existing Off-street parking facilities, eleven parking spaces;
- d. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

STANDARD REQUIREMENTS:

1. Conversion of the existing units to condominium ownership must commence and be pursued in a diligent manner within thirty-six months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within thirty-six months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder
3. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the City Manager.
4. This Permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
5. The utilization and continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. This Permit shall become effective with recordation of the corresponding final parcel map for and approval of the project site.
8. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable,

or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

ENGINEERING REQUIREMENTS:

9. The Coastal Development Permit shall comply with all conditions of the associated Tentative Map No. 266188 to the satisfaction of the City Engineer.

PLANNING/DESIGN REQUIREMENTS:

10. No fewer than eleven (11) off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A," on file in the Development Services Department. Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the City Manager.

11. Any future requested amendment to this Permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.

12. Prior to the recordation of the Final Map, the subdivider shall demonstrate conformance with the Municipal Code provisions for Inclusionary Housing Regulations (Chapter 14, Article 2, Division 13), to the satisfaction of the City Manager and the Housing Commission.

13. Prior to the recordation of the Final Map, the subdivider shall demonstrate conformance with the Municipal Code provisions for Tenant Relocation Benefits (Chapter 14, Article 4, Division 5), to the satisfaction of the City Manager and the Housing Commission.

INFORMATION ONLY:

Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code section 66020.

APPROVED by the Planning Commission of the City of San Diego on August 30, 2007, by Resolution No. 4295-1-PC.

PLANNING COMMISSION
 RESOLUTION NO. – 4295-1-PC
 COASTAL DEVELOPMENT PERMIT NO. 269513
835 THOMAS AVENUE TENTATIVE MAP – PROJECT NO. 84312

WHEREAS, William G. Clarke and Joanne E. Clarke, Co-Trustees of Clarke Trust, Owner/Permittee, filed an application with the City of San Diego to divide an existing two-story, apartment complex with eleven dwelling unit apartments into eleven residential condominium units (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 269513, on portions of a 0.143-acre property;

WHEREAS, the project site is located at 835 Thomas Avenue, in the RM-1-1 Zone, Coastal Overlay Zone (non-appealable), Coastal Height Limitation Overlay Zone, and within the Pacific Beach Community Planning Area;

WHEREAS, the project site is legally described as Lots 11 and 12, Block 262, Pacific Beach, Map Nos. 697, 854 and 932.

WHEREAS, on August 30, 2007, the Planning Commission of the City of San Diego considered Coastal Development Permit No. 269513, pursuant to the Land Development Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego as follows:

That the Planning Commission adopts the following written Findings, dated August 30, 2007.

FINDINGS:

Coastal Development Permit - Section 126.0708

1. The proposed coastal development will not encroach upon any existing physical access way that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan; and

The 0.143-acre project site is currently developed with an existing apartment complex which includes eleven residential apartment units. The development proposes to divide the existing eleven dwelling units into residential condominiums and is located approximately three blocks from the coastline. The proposed development is existing and is contained within the existing legal lot area, which will not encroach upon any existing or proposed physical access to the coast. The project site is not located on or adjacent to an identified visual access corridor as identified within the Pacific Beach Local Coastal Program. The project site is situated along Thomas Avenue, within a developed multi

family residential neighborhood. The proposed division into condominiums met the development setbacks and height limit required at the time it was built and the proposed structure will not block any identified visual corridor.

2. The proposed coastal development will not adversely affect environmentally sensitive lands; and

The 0.143-acre project site is currently developed with a eleven dwelling unit apartment complex and does not contain environmentally sensitive lands. The environmental review, determined that the project would not have a significant environmental effect on environmentally sensitive lands and was found to be exempt from environmental review under CEQA Guidelines. The project does not propose any grading on any portion of the property and does not propose any encroachment into Environmentally Sensitive Lands.

3. The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program; and

The proposed division of the existing apartment complex with eleven dwelling units into condominium units is located on a site which has a Multi-Family Residential land use designation. During environmental review, it was determined that the project was exempt under the CEQA Guidelines. The project design was also determined to be in compliance with all of the applicable development regulations at the time it was constructed. Due to these factors the proposed condominium conversion was found to be in compliance with the City of San Diego adopted Pacific Beach Community Plan and the Progress Guide and General Plan and the certified Local Coastal Program Land Use Plan.

4. For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

The 0.143-acre site, currently developed with an existing apartment complex that includes eleven dwelling units, is located within a well developed multi family residential neighborhood. The project site is not located between the first public road and the sea or coastline. Development of the project will be fully within the private property. The project site is approximately three blocks away from the Pacific Ocean. There is no identified public access and public recreation area on or adjacent to the project site and these stated resources will not be impaired by the development of this site. The proposed condominium conversion project is designed to take access off the existing public alley, with all eleven existing off street parking spaces off the alley. The existing character and pedestrian design of the street will remain unaltered.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Coastal Development Permit No. 269513, is hereby GRANTED by the Planning

Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 269513, a copy of which is attached hereto and made a part hereof.

Glenn R. Gargas
Development Project Manager
Development Services

Adopted on: August 30, 2007

Job Order No. 42-5278

cc: Legislative Recorder, Planning Department

ALL-PURPOSE CERTIFICATE

Project No. 89756 J.O. No. 42-5625

Type/PTS, Approval Number of Document CDP No.
287321 & TM No. 287322Date of Approval Nov. 16, 2006STATE OF CALIFORNIA
COUNTY OF SAN DIEGO_____
Glenn R. Gargas, Development Project Manager

On December 4, 2006, before me, Raquel Herrera, (Notary Public), personally appeared Glenn R. Gargas, Development Project Manager of the Development Services Department of the City of San Diego, personally known to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Signature _____
Raquel Herrera**ALL-PURPOSE CERTIFICATE**

OWNER(S)/PERMITTEE(S) SIGNATURE/NOTARIZATION:

THE UNDERSIGNED OWNER(S)/PERMITTEE(S), BY EXECUTION THEREOF, AGREES TO EACH AND EVERY CONDITION OF THIS PERMIT AND PROMISES TO PERFORM EACH AND EVERY OBLIGATION OF OWNER(S)/PERMITTEE(S) THEREUNDER.

Signed _____	Signed _____
Typed Name	Typed Name

STATE OF _____
COUNTY OF _____

On _____ before me, _____ (Name of Notary Public)
personally appeared _____, personally known to me (or
proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same
in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument
the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature _____

**PLANNING COMMISSION OF THE CITY OF SAN DIEGO
MINUTES OF REGULAR SCHEDULED MEETING OF
AUGUST 30, 2007
IN CITY COUNCIL CHAMBERS - 12TH FLOOR
CITY ADMINISTRATION BUILDING**

CHRONOLOGY OF THE MEETING:

Chairperson Schultz called the meeting to order at 9:06 a.m. Chairperson Schultz adjourned the meeting at 12:31 p.m.

ATTENDANCE DURING THE MEETING:

Chairperson Barry Schultz-present
Vice-Chairperson Kathleen Garcia- Not present
Commissioner Robert Griswold- present
Commissioner Gil Ontai-present
Commissioner Dennis Otsuji- present
Commissioner Eric Naslund- present
Commissioner Mike Smiley – present

Mary Wright, Planning Department – present
Mike Westlake, Development Services-present
Andrea Dixon, City Attorney- present
Sabrina Curtin, Recorder-present

ITEM-7: *Continued from July 12, 2007:*

835 THOMAS AVENUE TENTATIVE MAP - PROJECT NO. 84312

City Council District: 2 Plan Area: Pacific Beach

Staff: Glenn Gargas

Speaker slips submitted in favor by Robert Bateman and William Clarke.
No one present to speak in opposition.

COMMISSION ACTION:

MOTION BY COMMISSIONER NASLUND TO APPROVE COASTAL DEVELOPMENT PERMIT NO. 269513; AND APPROVE TENTATIVE MAP NO. 266188 AND REQUEST TO WAIVE THE REQUIREMENT TO UNDERGROUND EXISTING OVERHEAD UTILITIES AS PRESENTED IN REPORT NO. PC-07-095, WITH THE ADDED CONDITIONS:

PRIOR TO RECORDING A FINAL MAP, THE SUBDIVIDER SHALL SUBMIT LANDSCAPE PLANTING AND IRRIGATION PLANS DEMONSTRATING LANDSCAPE UPGRADES TO THE PROPERTY.

PRIOR TO RECORDING A FINAL MAP, THE SUBDIVIDER SHALL PROVIDE AN INDEPENDENT EVALUATION PREPARED IN ACCORDANCE WITH THE STATE OF CALIFORNIA BUSINESS & PROFESSIONS CODE INCLUDING SECTION 7195) OF THE EXISTING CONDITIONS OF THE BUILDING TO THE SATISFACTION OF THE CITY MANAGER. THIS INFORMATION SHALL INCLUDE, BUT NOT BE LIMITED TO THE STRUCTURAL INTEGRITY; MECHANICAL; ELECTRICAL; AND PLUMBING SYSTEMS OF THE BUILDING. THE APPLICANT SHALL PROVIDE PROOF OF COMPLIANCE OR OTHER MEANS TO ASSURE ANY RECOMMENDATIONS TO REPAIR OR REPLACE THOSE SYSTEMS TO THE SATISFACTION OF THE CITY MANAGER.

Second by Commissioner Otsuji. Passed by a vote of 5-1-1 with Commissioner Griswold voting nay and Vice-Chairperson Garcia not present. Resolution No. PC-4295

JG Clarke Construction

LIC # 848989
P.O. Box 261
Jamul, CA 91935
Ph 619-672-3872
Fax: 619-669-9868

8/22/2007
Project 835 Thomas Ave

Dear Mr Clarke,

Pursuant to your request, we are submitting this construction budget based upon the report by Land America and landscape plans.

A Landscape and Irrigation	\$ 8,000.00
B Building signage and Mail Boxes	\$ 6,000.00
C Structure	
Sewer	\$ 10,000.00
Water/Water heater	\$ 14,000.00
Electrical	\$ 15,000.00
Exterior wood repair, patch and paint	\$ 20,000.00
Remove and replace interior walls, studs and sheetrock	\$ 60,000.00
New windows and doors	\$ 15,000.00
Stairways, walkways, railings	\$ 6,000.00
Roof	\$ 10,000.00
Unit improvements including flooring, finish fixtures, appliances and cabinets	\$ 165,000.00
Total	\$ 329,000.00

If you have any questions, please contact me.

Sincerely,



John Clarke
JG Clarke Construction